

3/21/06

Public Comments on Ordinance 2006-03,
The 2005-06 Amended Appropriations Ordinance for 2006-03 for Oconee County

March 21, 2006

Oconee County Council
Walhalla SC 29691

This is notice that I have been over-charged ad valorem taxes due from me for the 2005 tax year and that my request has been denied for an adjustment to the ad valorem taxes payable by me for this period.



Susie Cornelius
170 Old Mill Lane
Mountain Rest SC 29664

**AGENDA ITEM SUMMARY
OCONEE COUNTY, SC**

COUNCIL MEETING DATE: March 21, 2006

COUNCIL MEETING TIME: 7:00 PM

ITEM TITLE OR DESCRIPTION:

Third and Final Reading of, "THE 2005-2006 AMENDED APPROPRIATIONS ORDINANCE 2006-03 FOR OCONEE COUNTY".

BACKGROUND OR HISTORY:

Section 4-9-130 of the South Carolina Code of Laws requires that the county budget ordinance be approved like any other ordinance, which includes three (3) public readings and a public hearing which we typically conduct at the 2nd reading of the ordinance. This section specifically refers to annual operating and capital budgets.

Section 4-9-140 of the South Carolina Code of Laws also contains the following requirement:

- Supplemental or Amended appropriations must be approved in the same manner as the initial budget. These include appropriations (revenues or expenditures) received and approved following adoption of the initial budget from unanticipated revenue sources.

I. ADDITIONAL REVENUE; DUKE ENERGY TAXES RECEIVED:

During the month of December 2005, it was discovered through a telephone inquiry from Duke Energy to the county Auditor's office that Duke had been billed less than normal from the county the past three (3) years. An internal review was conducted and it was determined that the manufacturing exemption assessment for Duke Energy was not calculated correctly by the County Auditor's office. As a result, additional taxes were due from Duke Energy. In accordance with South Carolina Code of Laws 12-39-210 and 12-39-220, the County Auditor charged the omitted property assessment to Duke Energy as this was an error on the part of the county (South Code of Laws 12-54-85). As a result, on January 16, 2006, the county received an additional and unanticipated revenue windfall of \$14,520,056.50 which must be appropriated before it can be distributed or expended. The distribution of these additional tax revenues from Duke are shown below:

BUDGET AMENDMENT FOR 3 YEARS ADDITIONAL INCREMENT OF TAXES PAID BY DUKE ENERGY (RECEIVED ON 1/16/06).

Fiscal Year	County Operations	County Debt	TCTC Operations	TCTC Debt	School Operations	School Debt	Total
2003	\$718,000.55	\$28,582.83	\$25,152.89	\$5,716.57	\$1,440,574.38	\$125,784.43	\$2,343,791.55
2004	\$1,336,106.20	\$81,666.44	\$43,166.51	\$10,277.74	\$2,476,935.34	\$255,721.17	\$4,213,873.40
2005	\$2,536,486.89	\$147,043.24	\$77,197.70	\$15,360.41	\$4,521,579.63	\$651,694.58	\$7,952,391.45
Total	\$4,590,592.64	\$257,292.51	\$145,517.10	\$34,374.72	\$8,439,089.35	\$1,073,160.18	\$14,520,056.50

*Included in county operations is 1 MILL for Economic Development (see Exhibit A-868,719).
Grand total for all additional Duke utility revenue is \$14,520,056.50.

II. BUDGET AMENDMENT FOR LESS REVENUE; VEHICLE ROAD MAINTENANCE FEE RESCINDED:

Included in the adopted 2005-2006 Budget Ordinance was the imposition of a \$15 vehicle road fee which whose collection was rescinded by Council on September 20, 2005. This action removed \$490,000 in anticipated revenue from the budget necessitating this amendment.

III. BUDGET AMENDMENT FOR ADDITIONAL POSTAGE EXPENSE:

\$25,000 in postage was inadvertently deleted from the Pine Street postage account and should be added back.

SPECIAL CONSIDERATIONS OR CONCERNS:

In order to continue in honor the February 21, 2006 written request of Dr. Valerie Truesdale, School Superintendent to expedite the budget amendment process to appropriate the recently received additional Duke Power proceeds, the Council approved the following schedule of dates needed to complete the process:

- | | |
|--------------------------------------|-------------------------|
| • 1 st Reading Title Only | February 21, 2006, 7 PM |
| • 2 nd Reading | March 7, 2006, 3 PM |
| • Public Hearing & | March 21, 2006, 7 PM |
| 3 rd & Final Reading | March 21, 2006, 7 PM |

STAFF RECOMMENDATION:

Staff recommends that this ordinance be approved on third and final reading. Following this adoption, the Treasurer's Office will disburse these funds to the School Board and Tri-County Technical College. The County portion of these funds will be placed in the undesignated fund balance.

The School Board has also asked for accumulated interest on these funds. Treasurer Anne Dodd will disburse those interest earnings to the school that have been earned from January 16, 2006 to February 22, 2006. The figure is expected to be about \$60,000. Confirmation of the interest due the School District was confirmed by the County's Bond Counsel, Haynsworth, Sinkler, Royd, P.A. (see March 16, 2006 letter attached).

FINANCIAL IMPACT:

The modifications set forth on Exhibit A to Ordinance 2006-03 (attachment 2) are recited below. In the aggregate, the adopted fiscal year 2005-2006 County Council budget currently stands at:

County Operations	\$ 34,947,848.00
School Operations	\$ 48,605,948.00
TCTC Operations	\$ 823,144.00
Vehicle Road Maintenance Fee	(\$ 490,000.00)
Assessment Postage	\$ 25,000.00

If the recommended budget amendments are adopted, the new County Council amended FY 2005-2006 budget totals will be:

County Operations	\$ 39,469,701.00
School Operations	\$ 57,045,037.00
TCTC Operations	\$ 968,961.00

ATTACHMENTS:

1. Ordinance 2006-03 to amend the FY 2005-06 budgets for the Oconee County School District and County Council
2. Exhibit A
3. County Bond Counsel letter of March 16, 2006

Submitted or Prepared by:

Phyllis E. Lombard
Phyllis E. Lombard,
Director of Administrative Services &
Finance

Approved for Submittal to Council:

Ron H. Rabun
Ron H. Rabun,
County Administrator

Reviewed by/Initials:

N/A

County Attorney

PL
Finance

N/A

Other

C: Clerk to Council

**OCONEE COUNTY COUNCIL
ORDINANCE 2006-03**

BE IT ORDAINED, by Oconee County Council in Council duly assembled, upon Second reading:

SECTION I:

This Ordinance shall be known as: "THE 2005-2006 SUPPLEMENTAL APPROPRIATIONS ORDINANCE 2006-03 FOR OCONEE COUNTY".

SECTION II:

The purpose of this Ordinance is to amend and modify the 2005-2006 APPROPRIATIONS ORDINANCE FOR OCONEE COUNTY, Ordinance 2006-03 and to make appropriations, both supplemental and primary, from current revenue for the remaining portion of fiscal year 2005-2006 and to transfer funds from department accounts to other authorized uses as stated herein and to implement, approve and ratify the policies and other programs authorized by the Oconee County Council, and other matters relating thereto.

SECTION III:

The modifications set forth on Exhibit A attached hereto are approved. In the aggregate, the adopted fiscal year 2005-2006 budget stands as:

County Operations	\$ 34,947,848.00
School Operations	\$ 48,605,948.00
TCTC Operations	\$ 823,444.00
Vehicle Road Maintenance Fee	\$ 490,000.00

If these changes are adopted as recommended, the new amended budget will be:

County Operations	\$ 39,469,701.00
School Operations	\$ 57,045,037.00
TCTC Operations	\$ 868,963.00
Vehicle Road Maintenance Fee	\$ 0.00

SECTION IV:

Unless specifically modified, amended or deleted herein, all appropriations of funds created by the "APPROPRIATIONS ORDINANCE FOR OCONEE COUNTY" (Ordinance 2005-10 & Ordinance 2005-11) are hereby ratified and shall remain in full force and effect as originally adopted. All other sections of Ordinance 2005-10 and Ordinance 2005-11 not modified, directly or by implication shall likewise remain in full force and effect.

APPROVED 1ST READING IN TITLE ONLY ON THE 21ST DAY OF FEBRUARY 2006.

APPROVED ON SECOND READING ON THE 7TH DAY OF MARCH 2006.

PUBLIC HEARING AND THIRD & FINAL READING HELD ON THE 21ST DAY OF MARCH 2006.

H. Frank Ablee, Jr.
Chairman
Oconee County Council

Attest:

Opal D. Green, Clerk to Council

Exhibit A Oconee County Amended Budget Ordinance 2006-03

Page 7

Code	Description	Ordinance 2005-10	Ordinance 2005-03	Amended Budget
County Revenues				
010-080-00870-76003	County Operations	23,791,000	4,521,653	28,312,653
010-080-00875-76003	Economic Development	355,000	68,749	423,749
County Debt:				
080-080-00874-76003	GO Bond 2002	641,220	105,510	746,730
080-080-00879-76003	Courthouse 2001	69,924	99,794	169,718
080-080-00872-76003	Lila Doyle 2000	-	31,989	31,989
Total County Revenues		<u>\$</u>	<u>\$ 4,827,895</u>	<u>\$ 29,544,839</u>
County Expenditures				
010-080-00803-09999	Fund Balance	23,791,000	4,499,863	28,287,863
010-707-80707-00000	Economic Development	355,000	89,749	423,749
County Debt:				
010-717-60033-00000	Postage	150,000	25,000	155,000
080-874-55100-00000	GO Bond 2002	641,220	105,510	746,730
080-873-55100-00000	Courthouse 2001	69,924	89,794	159,718
080-872-55100-00000	Lila Doyle 2000	-	31,989	31,989
Total County Expenditures		<u>\$</u>	<u>\$ 4,827,895</u>	<u>\$ 29,544,839</u>
Total Fiduciary Funds				
School District Revenue				
014-080-00880-76003	School District Operations	\$ 48,805,948	\$ 9,439,089	\$ 57,045,037
School Debt				
014-080-00881-76003	94 School Debt	-	51,449	51,449
014-080-00882-76003	95 School Debt	-	64,803	64,803
014-080-00883-76003	98 School Debt	460,138	57,721	517,859
014-080-00884-76003	01 Schap. Debt	1,339,400	227,900	1,567,300
014-080-00885-76003	03 School Debt	1,902,488	271,997	2,174,485
014-080-00886-76003	04 School Debt	1,284,088	158,746	1,442,834
014-080-00888-76003	05 School Debt	2,354,170	220,565	2,574,735
Total School District Revenue		<u>\$</u>	<u>\$ 9,512,270</u>	<u>\$ 10,465,203</u>

Exhibit A Oconee County Amended Budget Ordinance 2006-03

Page 2

Code	Description	Ordinance 2005-11	Ordinance 2006-03	Amended Budget
School District Expenditure				
014-802-80099-00000	School District Operations	\$ 48,605,948	\$ 6,409,069	\$ 57,045,037
School Debt				
014-881-56100-00000	84 School Debt	\$ -	\$ 51,449	\$ 51,449
014-886-56100-00000	85 School Debt	\$ -	\$ 94,803	\$ 94,803
014-883-56100-00000	86 School Debt	\$ 460,138	\$ 57,721	\$ 517,859
014-884-56100-00000	01 School Debt	\$ 1,399,400	\$ 227,900	\$ 1,627,300
014-885-56100-00000	03 School Debt	\$ 11,502,488	\$ 271,997	\$ 2,174,485
014-886-56100-00000	04 School Debt	\$ 1,284,089	\$ 158,746	\$ 1,442,834
014-888-56100-00000	05 School Debt	\$ 2,354,170	\$ 220,565	\$ 2,574,735
Total School District Expenditure		\$ 9,512,270		
Tri County Technical College Revenue				
014-080-00876-79003	TCTC Operations	\$ 823,444	\$ 145,517	\$ 988,961
014-080-00877-79003	TCTC Debt	\$ 278,210	\$ 34,375	\$ 312,585
Total Tri County Technical College Revenue		\$ 1,101,654	\$ 179,892	\$ 1,281,546
Tri County Technical College Expenditure				
014-804-66200-00000	TCTC Operations	\$ 823,444	\$ 145,517	\$ 988,961
014-877-65100-00000	TCTC Debt	\$ 278,210	\$ 34,375	\$ 312,585
Total Tri County Technical College Expenditure		\$ 1,101,654	\$ 179,892	\$ 1,281,546
Special Revenue Fund				
Revenue	Vehicle Road Maintenance Fee	\$ 490,000	\$ (490,000)	\$ 0
Expenditure	Vehicle Road Maintenance Fee	\$ 490,000	\$ 490,000	\$ 0
No general ledger posting required for the special revenue fund				
Total Amendments		\$ -	\$ 14,520,057	\$ -

* Extra dollars will be applied to other bonds, not Life Day's or 1992 and 1996 School Bond Debt, as these have been paid in full or deferred.

GREENVILLE

CHARLESTON

COLUMBIA

FLORENCE

Haynsworth
Sinkler Boyd, P.A.

ATTORNEYS AND COUNSELORS AT LAW

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March 16, 2006

VIA EMAIL

Ron H. Rabun
Oconee County Administrator
415 South Pine Street
Walhalla, SC 29681

Re: Accrued Interest on School District Taxes

Dear Ron:

We are providing this letter to you at your request concerning the issue of whether the Oconee County School District is entitled to the interest earned on its portion of the taxes paid by Duke Power, which are currently being held by the County Treasurer. In an Opinion of the South Carolina Attorney General dated September 30, 1978, concerning funds of a school district held by the County Treasurer, the Attorney General stated that the school district's "funds on deposit with the County Treasurer remain funds of the [school district] along with any interest accruing to said School District's fund." The Attorney General cited University of South Carolina v. Elliott, 149 S.E.2d 433 (1966) for this proposition. The Attorney General Opinion and the Supreme Court case are attached to this letter for your review. Based on the above-referenced Attorney General's Opinion and South Carolina Supreme Court case, it appears to us that the Oconee County School District is entitled to receive the interest earned on its portion of the taxes paid by Duke Power.

If you should have further questions, please do not hesitate to give me or Kathy McKinney a call. My phone number is listed above, and Kathy's phone number is 864.240.3243.

HAYNSWORTH SINKLER BOYD, P.A.



Bradford L. Love

Enclosures

OFFICE OF THE ATTORNEY GENERAL OF THE STATE OF SOUTH CAROLINA

1978 S.C. AG LEXIS 196

September 30, 1978

SYLLABUS:

[*1]

SUBJECT: School Finance

SYLLABUS: School funds of the Calhoun County School District must be deposited with the Office of the Treasurer for Calhoun County who may retain or invest said funds in accordance with § 12-45-220, Code of Laws of South Carolina, 1976, but the school district is entitled to information concerning investment of such funds.

REQUESTBY:

TO: Attorney
Calhoun County Public Schools

OPINIONBY:

APPROVED BY: Raymond G. Halford, Deputy Attorney General; Paul S. League, Assistant Attorney General

OPINION:

FROM: Paul S. League, Assistant Attorney General

QUESTION:

- (1) Must funds of the Calhoun County School District be deposited with the Office of the County Treasurer for County Calhoun?
- (2) Does the County Treasurer for Calhoun County have the authority to invest funds on deposit in his Office from the Calhoun County School District?
- (3) Is the Calhoun County School District entitled to access to pertinent information concerning the investment of school funds by the Office of the Calhoun County Treasurer?

STATUTES AND CASES:

Act No. 1031, Acts and Joint Resolutions, South Carolina, 1974; § 12-45-220, Code of Laws of South Carolina, 1976; *University of South Carolina v. Elliott*, [*2] 248 S.C. 218, 149 S.E. 2d 633 (1966); Unpublished opinion of Attorney General, dated November 18, 1970.

DISCUSSION:

You have posed several questions concerning the fiscal responsibilities of the Calhoun County Treasurer, vis-a-vis those of the Calhoun County School Board as set forth above. The Calhoun County School District was created by Act No. 1031, Acts and Joint Resolutions of South Carolina, 1974. § 1 of the aforementioned Act contains the following provisions:

Section 21-1557. All funds in the hands of the County Treasurer arising from tax levies on the property in the district shall be placed to the credit of the district.

Section 21-1558. The District shall be the unit for financing and receiving local, state, and federal funds. The Board shall be charged with the responsibility of the expenditure and accounting of the funds in the hands of the Board.

Section 21-1559. All school funds of the County shall be deposited in the Office of the Treasurer of the County to the credit of the district and withdrawn only upon warrants issued by the Board.

§ 21-1559, contained in Act No. 1031, expressly states that all funds of Calhoun County School District shall be deposited [*3] with the Office of Calhoun County Treasurer. This Section follows § 21-1558, in the same Act which states that the District shall be the unit for financing and receiving local, state and federal funds. The general term "funds" in § 21-1559, apparently, encompasses those funds enumerated in § 21-1558.

§ 12-45-220, Code of Laws of South Carolina, 1976, controls the investment by the County Treasurer of money in the possession of his Office which is not necessary to meet County expenses. The statute further enumerates with particularity the securities or investments which may be made by the County Treasurer. The terms of § 12-45-220 are not restricted to investment of funds in the hands of County Treasurer which are owned by the County. Investment of school funds on deposit with the County Treasurer appears to be discretionary with the Treasurer so long as such investments meet the conditions specified in § 12-45-220.

There is no question that Calhoun County School District funds on deposit with the County Treasurer remain funds of the Calhoun County School District along with any interest accruing to said School District's funds. *University of South Carolina v. Elliot, S.C.*, [54] 349 S.E. 2d 433 (1966), and unpublished opinion of Attorney General, dated November 18, 1970. Calhoun County School District, or any interested citizen of Calhoun County, has a right to access to the files of the Calhoun County Treasurer regarding the deposit and investment of said school funds with the County Treasurer's Office. Calhoun County School District is entitled to this access to information not only by virtue of being the owner of the funds in question, but the school district would be entitled to such information pursuant to the South Carolina Freedom of Information Act, § 30-3-10, et seq., Code of Laws of South Carolina, 1976, as amended.

CONCLUSION:

Based upon the foregoing citations and discussion, the funds of the Calhoun County School District must be deposited with the Office of the Treasurer for Calhoun County. The Calhoun County Treasurer may deposit such school funds at his discretion in certain specified securities or investments. Finally, the Calhoun County School District is entitled to access to records of the Calhoun County Treasurer concerning the investment of school funds on deposit with the County Treasurer's Office.

UNIVERSITY OF SOUTH CAROLINA, Petitioner-Respondent, v. Thomas E. ELLIOTT, Treasurer of Richland County, Appellant

No. 18537

Supreme Court of South Carolina

248 S.C. 218; 149 S.E.2d 433; 1966 S.C. LEXIS 175

July 20, 1966

DISPOSITION: [***1]

Affirmed.

COUNSEL:

Joseph D. Sapp, Esq., County Attorney, of Columbia, for Appellant, cites: As to Section 1-52, Code of Laws of South Carolina, 1962, operating to establish ownership in Richland County of the interest earned by funds deposited under the provisions of Section 25-109, et seq., Code of Laws of South Carolina, 1962, with the Clerk of Court for Richland County: Anno. 5 A.L.R. (2d) 257; 113 S.C. 99; 101 S.E. 285; 213 S.C. 254; 49 S.E. (2d) 13; 217 S.C. 554; 60 S.E. (2d) 682; 218 S.C. 222; 61 S.E. (2d) 399.

Messrs. Daniel R. McLeod, Attorney General, and Joseph C. Coleman, Assistant Attorney General, of Columbia, for Respondent, cite: As to Respondent being entitled to the interest earned on funds deposited by it with the Clerk of Court of Richland County under statutory provision: 66 Ga. App. 513; (Ind.) Wils. Super. 205; 124 Ind. 386; 24 N.E. 887; 5 A.L.R. (2d) 257; (Mass.) 113, 52 So. 865; 30 L.R.A. N.S., 855; Ann. Cas. 1912 C, 1129; Webster's Third International Dictionary, 12, 13; 24 F. Supp. 434; 44 F. (2d) 683.

JUDGES:

Bussey, Justice. Moss, C.J., Lewis and Brailsford, Jr., and Lionel K. Legge, Acting Associate Justice, concur.

OPINION BY:

BUSSEY

OPINION: [***2]

[*219] [**433] The respondent, University of South Carolina, in June 1964 commenced an eminent

domain proceeding in Richland County and in the course thereof, deposited with the Clerk of Court of Richland County the sum of \$ 140,000, pursuant to the provision of Section 25-109 of the 1962 Code of Laws. The Clerk of Court although not required to do so, deposited said sum of money in one or more savings and loan associations, where it earned approximately \$ 4,000 in interest. The condemnation case in which the deposit was made was settled and the principal amount of the deposit in the amount of \$ 140,000 was, by order of court, refunded to the University. At issue in this proceeding is the question of whether the aforesaid interest now held by the Treasurer of Richland County, belongs to the University or Richland County, and the appeal is from an order of the circuit court holding that the University is entitled thereto.

The appellant's claim to the ownership of such interest is predicated solely upon the provisions of Section 1-52 of the 1962 Code of Laws, which reads as follows:

"Interest on deposits of public funds. -- All State, county and municipal officers [***3] depositing funds or interest in any [*220] bank or other depository shall account to the State, county or municipality, as the case may be, for all interest collected upon such deposits.

" [**434] Any violation of this section is declared a misdemeanor, punishable by fine or imprisonment, in the discretion of the court."

The order of the lower court, and the briefs of counsel as well, discuss at some length an annotation in 5 A.L.R. (2d) 257, wherein it is stated:

"In a number of decisions -- mostly of earlier origin -- the point of view has been taken that the person in charge of the funds is entitled -- in the absence of statutory provisions to the contrary -- to the interest or other earnings of the funds.

"According to the majority view, which has the support of all the better-reasoned cases, the officer in whose

custody funds are, must, if he has handled the funds so that interest accrued thereon, account therefor in the same manner as for the principal."

An examination of the cases contained in the foregoing annotation will show that the minority rule is predicated on the view, or theory, that the officer is an absolute insurer of funds in his hands by virtue [***4] of his office. The rule that such officer is an insurer was expressly rejected by this court in *Chandler v. Britton, et al.*, 197 S.C. 303, 15 S.E. (2d) 344. On the other hand, the majority rule is predicated on the principle that the interest earned, under such circumstances, is simply an increment of the principal fund, making the interest the property of the party who owned the principal fund, and the salutary principle, long prevailing in this jurisdiction, that a fiduciary shall not be allowed to make any profit out of funds held in a fiduciary capacity. Under the foregoing principles it would seem clear that the interest involved in this case is the property of the University, unless, as contended by the appellant, Code Section 1-52 has the effect of transferring the ownership thereof to Richland County.

[*221] The appellant strongly urges that the intent of the said Code Section was to vest the title to said interest in Richland County. We deem it unnecessary to the decision of this case to determine both precisely and fully what was intended by the legislature in enacting the said statute. Suffice it to say that, for the reasons hereinafter set forth, we do not [***5] agree with the construction placed thereon by the appellant.

The caption of the Section is as follows, "Interest on deposits of public funds." Since it is proper to consider the title or caption of an act in aid of construction to show the intent of the legislature, we think that such statute has no application unless the funds deposited by the University with the clerk were "public funds". While not conclusive of the question, it was held by this court in *Chandler v. Britton, supra*, that funds deposited with the

clerk, by private litigants, were not "public funds" within the purview of a statute regulating the deposit of such

The University is, of course, a public entity, in that it is a State University, created, controlled and largely financed by the State. The source of the funds deposited by it with the clerk does not appear in the record. Assuming that such funds were public funds appropriated by the State, and still remained public funds in the hands of the University, it does not necessarily follow that they were public funds in the hands of the clerk, after being deposited by the University as a litigant. Insofar as the clerk's relation to the funds was concerned, [***6] he was simply the lawful custodian of funds deposited by a litigant, pending the termination of the litigation.

Even if it be conceded, however, that the proceeds were still public funds, in the hands of the clerk when deposited by him, such would not, we think, be dispositive of the issue before us. The statutory construction urged by appellant would deprive the University of its property right in and to the interest. It is well settled in this state that statutes in derogation [***35] of either the common law or the natural rights of person over their property are to be strictly construed and [*222] not extended in the application thereof beyond the clear legislative intent. See *Purdy v. Maise*, 223 S.C. 298, 75 S.E. (2d) 603.

While the University is not a private person, its property rights are involved. Assuming that the General Assembly has plenary power to take the property of the University and vest it in a county, we would not be warranted in concluding that it intended to do so in the absence of language clearly expressive of such intent. We see nothing in the statute which, when applied to the facts of this case, would evince an intent on the part of [***7] the General Assembly to take property belonging to the University and vest it in Richland County.

The judgment of the lower court is, accordingly,

Affirmed.

AGENDA ITEM SUMMARY
OCONEE COUNTY, SC
COUNCIL MEETING DATE: 3/21/06
COUNCIL MEETING TIME: 7:00 pm

ITEM TITLE OR DESCRIPTION:

Approval & presentation of Certificate of Appreciation to Mr. Andy Cooney for bringing his talent and show to the Walhalla Civic Auditorium.

BACKGROUND OR HISTORY:

The Knights of Columbus invited Mr. Cooney, "Irish America's Favorite Son" to present his show at the Walhalla Civic Auditorium March 10, 2006. Further, they requested Council show Mr. Cooney their appreciation for his presentation.

SPECIAL CONSIDERATIONS OR CONCERNS:

N/A

STAFF RECOMMENDATION:

Approval and presentation of the Certificate of Appreciation.

FINANCIAL IMPACT:

N/A

ATTACHMENTS:

Proposed Certificate of Appreciation

Submitted or Prepared By:

Opal O. Green

Approved for Submittal to Council:


Ron H. Rabun, County Administrator

Reviewed by/initials:

_____ :County Attorney

_____ :Finance

Certificate of appreciation

The Osage County Council would like to take this opportunity to express appreciation to Mr. Andy Cooney, "Irish America's Favorite Son" for bringing his talent and show to the Washalla Civic Auditorium March 10, 2006.

Dr. Frank Allen, Jr.

Chair, Osage County Council

March 21, 2006

Attest:

Opal O. Queen, Clerk

AGENDA ITEM SUMMARY
OCONEE COUNTY, SC
COUNCIL MEETING DATE: 3/21/06
COUNCIL MEETING TIME: 7:00 PM

ITEM TITLE OR DESCRIPTION:

Approval & Presentation of "Certificate of Recognition" to Mr. Billy Ray Roach, Solid Waste employee for completion of The Carolina Recycling University Professional Recyclers Qualification Training.

Approval & presentation of "Certificate of Recognition" to Mr. Paul McCall, SC Convenience Center Clerk of the Year.

BACKGROUND OR HISTORY:

Mr. Roach is the Solid Waste Materials Facility Supervisor and has completed this training that he might be more proficient in his position with the Oconee County Solid Waste Department.

Mr. McCall won the State of South Carolina Convenience Center Clerk of the Year.

SPECIAL CONSIDERATION:

N/A

STAFF RECOMMENDATIONS FOR COMMITTEE ACTION:

Approval & presentation of the "Certificate of Recognition" to Mr. Roach.
Approval & presentation of the "Certificate of Recognition" to Mr. McCall.

FINANCIAL IMPACT:

N/A

ATTACHMENTS:

Proposed "Certificates of Recognition"

Submitted or Prepared By:

Opal O. Green
Department Head

Approved for Submittal to Council


Ron H. Rahun, County Administrator

Reviewed By:

_____ n/a _____ : County Attorney

_____ n/a _____ : Finance

_____ n/a _____ : Other

Certificate of Recognition

The Orange County Council hereby recognizes Mr. Billy Ray Rouch, Solid Waste Material Recovery Facility Supervisor upon completion of The Carolina Recycling University Professional Recyclers Qualification Training.

W. Frank Miller, Jr. Chair
Orange County Council

March 21, 2006

Attest:

Opal O. Green, Clerk

Certificate of Recognition

The Orange County Council would like to take this opportunity to express congratulations to Mr. Paul McCall, Solid Waste Convenience Center #8, Five Forks on being honored by the South Carolina Department of Health & Environmental Control as number one recycling center attendant in Orange County.

R. Frank Miller, Jr., Chair
Orange County Council

Attest:

Opal O. Grewe
Clerk to Council

Corrected copy, March 20, 2006

Finding of facts

Following the review of studies on the environmental impact of development upon standing bodies of water and consultation with experts on this issue, the Oconee County Planning Commission finds that the construction of dwellings along the shores of lakes in Oconee County increases the density of the population around these lakes. Unless regulations are enacted to protect the lakes, the increase of septic tanks, storm water run off, shore erosion, sedimentation, and infiltration of lawn fertilizer and herbicides will cause irreparable harm to the lakes.

Potential Solutions to Problem

The situation can be mitigated by utilizing Performance Standards to establish set backs, buffers, riparian buffers and density requirements. Riparian buffers will be a key factor in this mitigation. The recommended depth of the riparian buffers will be twenty-five (25) feet with a view lane of 15% of the total width. Nonporous surfaces will not be allowed in the view lane area. Additional standards are needed to establish minimum green space requirements along property abutting public rights of way, between homes, between developments and around subdivision entrances.

Recommendation

The Oconee County Planning Commission intends to draft changes to the Performance Standards Ordinance to ameliorate damage to the lakes. During the estimated three (3) to four (4) months required to seek public input, draft the amendments to the ordinance and refer the draft ordinance to County Council, it is recommended that a moratorium be established for developing and building along lake front properties in Oconee County.

OCONEE COUNTY COUNCIL

ORDINANCE NO. 2006-

AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON THE APPROVAL OF SITE PLANS AND/OR FOR ANY CONSTRUCTION PROJECT WITHIN ONE THOUSAND FEET (1,000') OF LAKES THAT ARE WITHIN OR ADJACENT TO OCONEE COUNTY UNLESS SAID PROJECT INCLUDES A TWENTY-FIVE (25') FOOT RIPARIAN BUFFER.

Background and findings

Oconee County borders three large lake reservoirs: Lake Jocassee, Lake Keowee, and Lake Hartwell and is home to a number of smaller lakes. These lakes provide water supply, recreation, and tourism within Oconee County, and are vital to the economy of Oconee County. Oconee County has been informed that water providers in Oconee County have plans to use and/or expand their use of these lakes for potable water. Construction projects along the shores of these lakes increase the density of the population of people living along these lakes. Construction projects increase the use of septic tanks, storm water run-off, shore erosion, sedimentation, lawn fertilizers and herbicides which can cause irreparable harm to the lakes unless regulations are enacted to protect the lakes.

The County Council finds that it is vital to Oconee County's future to protect these water sources by taking preventative actions. Oconee County needs sufficient time to determine how best to protect these vital resources taking into account the interest of various stakeholders and the public interest.

NOW THEREFORE, BE IT ORDAINED, that Oconee County Council, duly assembled, with a quorum present and voting, and upon third and final reading as indicated below, the following:

That while the Oconee County Planning Commission and the Oconee County Council study and enact regulations to protect the lakes of Oconee County, there shall be imposed a temporary moratorium on the approval of all site plans and/or building permits for any construction project to be located within one thousand feet (1,000') of lakes within or adjacent to Oconee County, unless the project includes a twenty-five (25') foot riparian buffer. The riparian buffer may include a view lane of 15% of the total width of the buffer.

ORDINANCE NO. _____

EMERGENCY ORDINANCE OF OCONEE COUNTY

AN EMERGENCY ORDINANCE AUTHORIZING A THREE MONTH MORATORIUM ON DEVELOPMENT OF MULTI-FAMILY AND HI-RISE HOUSING WITHIN THE COUNTY TO ASCERTAIN AND STUDY THE IMPACTS AND RAMIFICATIONS OF SUCH HOUSING UPON GENERAL SAFETY AND TO DETERMINE THE ADEQUACY OF CURRENT EMERGENCY VEHICLES TO ADDRESS NATURAL OR MAN MADE DISASTERS.

WHEREAS, under Title 4, Chapter 9, Article 1, subsection 130 of the Code of South Carolina, authorizes Oconee County to enact emergency ordinances to address matters affecting life, health, safety or the property of people; and

WHEREAS, the ~~Commissioners~~ ^{Board} recognize that the rapid housing development in the county and especially around the lake regions has overburdened our roads and the emergency facilities that service those areas; and

WHEREAS, a recent house fire and discussions with fire department officials demonstrate the inadequacy of emergency fire and safety personnel to address many emergencies due to current road widths and traffic patterns; and

WHEREAS, emergency and fire personnel would be wholly unable to adequately address multi-family housing or a hi-rise development given the current emergency equipment on hand, the existing road widths, and traffic patterns; and

WHEREAS, given this current overburdening and our need to address public safety concerns, the ~~Commissioners~~ hereby imposes a moratorium on accepting and processing applications for development of multi-family and hi-rise development; and

WHEREAS, this moratorium shall be effective immediately and is necessary to provide ~~the Commission~~ with sufficient time to study the public safety issues that the county currently faces; and

WHEREAS, the ~~Commission~~ ^{Board} enacts this moratorium not based on any project; and

WHEREAS, this Emergency Ordinance shall not apply to any vested multi-family or hi-rise project, however, the Commission does not forfeit its rights under Title 6, Chapter 29, Subsection 1540(11); and,

WHEREAS, if any section, subsection, sentence, clause, phrase or portion of this emergency ordinance is held invalid or unconstitutional, such portions shall be deemed a separate, distinct and independent, and will not affect the remaining portions; and

WHEREAS, the Commission finds this ordinance necessary for the immediate preservation of public safety since an emergency is declared to exist, and is hereby adopted.

Therefore - to it is recommended that the Council
approve and pass the following ordinance to Stanley

**AGENDA ITEM SUMMARY
OCONEE COUNTY, SC**

**COUNCIL MEETING DATE: 3/21/2006
COUNCIL MEETING TIME: 7:00 PM**

ITEM TITLE OR DESCRIPTION:

Third and Final Reading of Ordinance 2006-04, "AMENDMENT TO LOAN AGREEMENT RELATING TO \$35,000,000 OCONEE COUNTY, SOUTH CAROLINA POLLUTION CONTROL REVENUE REFUNDING BONDS (DUKE ENERGY CORPORATION, SERIES 1999A AND SERIES 1999B) (THE "BONDS") TO PROVIDE FOR GUARANTEE THEREOF." And Third and Final Reading of Ordinance 2006-05, "AMENDMENT TO LOAN AGREEMENT RELATING TO \$77,000,000 OCONEE COUNTY, SOUTH CAROLINA POLLUTION CONTROL FACILITIES REVENUE REFUNDING BONDS, SERIES 1993 (DUKE POWER COMPANY PROJECT) (THE "BONDS") TO PROVIDE FOR GUARANTEE THEREOF."

BACKGROUND OR HISTORY:

Recently, Duke Energy Corporation has entered into an Agreement and Plan of Merger, dated May 8, 2005, and its subsequent amendments, which would allow for the merging of Duke Energy Corporation and Cinergy Corporation as subsidiaries under Duke Energy Holding Corporation. With this agreement, Duke Energy wants to amend the corresponding indentures for each of the issues to add the guarantee, or backing, by the larger holding company, Duke Energy Holding Corporation, and to clarify that merger transactions do not violate the "maintenance of existence" provisions. They believe that these amendments would not jeopardize the interests of the bondholders, but rather substantially benefit the bondholders with the support of a significantly larger corporation.

In 1993, revenue-refunding bonds in the amount of \$77,000,000 were issued by Oconee County for Pollution Control Facilities for a Duke Power Company project. The "Loan Agreement between Oconee County, South Carolina and Duke Power Company" dated April 1, 1993 and its amendments, outlined the responsibilities of Duke Power Company. In addition, Oconee County issued bonds totaling \$35,000,000 for the same purpose with the same type of bond transcripts in October 1999. In the agreement, specific provisions are made that would allow Duke Power Company to merge, as long as the successor corporation would assume all obligations of the Duke Power Company. Furthermore, Duke Power Company must provide Oconee County with a true and complete copy of the assignment, together with any instrument of assumption.

SPECIAL CONSIDERATIONS OR CONCERNS:

Final adoption, at third reading, must be completed no later than March 22, 2006.

STAFF RECOMMENDATION:

- 1) Staff recommends adoption of this ordinance #2006-04 of third and final reading.
- 2) Staff recommends adoption of this ordinance #2006-05 of third and final reading.

FINANCIAL IMPACT:

These actions will in no way affect the County's debt limit or bonding capacity nor will the County be responsible for the payment of the debt.

The approval of the amendments to the Loan Agreement will maintain and grow jobs and revenue for Oconee County.

ATTACHMENTS:

Proposed Ordinances:

Submitted or Prepared By:



Department Head/Elected Official

Approved for Submittal to Council:

Ron H. Rabun, County Administrator

Reviewed By/ Initials:

_____ County Attorney

_____ Finance

 OMB

N/A Other

C: Clerk to Council

ORDINANCE

AMENDMENT TO LOAN AGREEMENT RELATING TO \$35,000,000 OCONEE COUNTY, SOUTH CAROLINA POLLUTION CONTROL REVENUE REFUNDING BONDS (DUKE ENERGY CORPORATION, SERIES 1999A AND SERIES 1999B) (THE "BONDS") TO PROVIDE FOR GUARANTEE THEREOF.

WHEREAS, Oconee County, South Carolina (the "County"), acting by and through its County Council (the "County Council"), under and pursuant to the provisions of Title 48, Chapter 3 of the Code of Laws of South Carolina 1976, as amended (the "Act"), has previously issued its \$35,000,000 Pollution Control Revenue Refunding Bonds, Series 1999A and Series 1999B (Duke Energy Corporation Project) (the "Bonds"); and

WHEREAS, Duke Energy Corporation (the "Corporation") has requested that the County amend the Loan Agreement dated as of October 1, 1999 relating to the Bonds to, among other things, add a guarantee from Duke Energy Holding Corp. (the "Parent"); and

WHEREAS, the County Council has caused to be prepared and presented to this meeting the following document which the County proposes to execute and deliver: Amendment to Loan Agreement among the County, the Parent and the Corporation (the "Amendment");

WHEREAS, it appears that the instrument above referred to, which is now before this meeting, is in appropriate form and is an appropriate instrument to be executed and delivered by the County for the purposes intended;

NOW, THEREFORE, BE IT ORDAINED by Oconee County, South Carolina, as follows:

Section 1. In order to further the purposes of the Act by assisting the Corporation in the purposes contemplated by the Amendment, the Amendment is approved.

Section 2. Nothing in this Ordinance or the Amendment shall be construed to change the fact that the Bonds are limited obligations of the County, the principal and interest on which are payable solely out of the revenues derived from the Loan Agreement. The Bonds and the interest thereon shall never constitute an indebtedness of the County within the meaning of any state constitutional provision or statutory limitation and shall never constitute or give rise to a pecuniary liability of the County or a charge against its general credit or taxing powers.

Nothing in this Ordinance or the Amendment shall be construed as an obligation or commitment by the County to expend any of its funds other than (i) the proceeds of the Bonds, (ii) the revenues derived from the Loan Agreement, and (iii) any moneys arising out of the investment or reinvestment of said proceeds, revenues or moneys.

Section 3. The form, terms and provisions of the Amendment presented to this meeting and filed with the Clerk of the County Council be and they are hereby approved and all of the terms, provisions and conditions thereof are hereby incorporated herein by reference as if

the Amendment were set out in this ordinance in its entirety. The Chairman and the Clerk of the County Council be and they are hereby authorized, empowered and directed to execute, acknowledge and deliver the Amendment in the name and on behalf of the County, and thereupon to cause the Amendment to be delivered to the Corporation. The Amendment is to be in substantially the form now before this meeting and hereby approved, or with such minor changes therein as shall be approved by the officials of the County executing the same, their execution thereof to constitute conclusive evidence of their approval of any and all changes or revisions therein from the form of the Amendment now before this meeting.

Section 4. The Chairman and the Clerk of the County Council, for and on behalf of the County, are hereby each authorized and directed to do any and all things necessary to effect the execution and delivery of the Amendment and the performance of all obligations of the County thereunder.

The Chairman and the Clerk of the County Council are each further authorized to execute and deliver such other documents and certificates necessary to effectuate the Amendment as contemplated in this ordinance.

Section 5. The provisions of this ordinance are hereby declared to be separable and if any section, phrase or provision shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions hereunder.

Section 6. All orders, resolutions, ordinances and parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed and this ordinance shall take effect and be in full force from and after its passage and approval.

Passed and approved this _____ day of _____, 2006:

**OCONEE COUNTY,
SOUTH CAROLINA**

By: _____
Chairman, Oconee County Council

ATTEST:

Clerk, Oconee County Council

First Reading: _____

Second Reading: _____

Public Hearing and
Third Reading: _____

ORDINANCE

AMENDMENT TO LOAN AGREEMENT RELATING TO \$77,000,000 OCONEE COUNTY, SOUTH CAROLINA POLLUTION CONTROL FACILITIES REVENUE REFUNDING BONDS, SERIES 1993 (DUKE POWER COMPANY PROJECT) (THE "BONDS") TO PROVIDE FOR GUARANTEE THEREOF.

WHEREAS, Oconee County, South Carolina (the "County"), acting by and through its County Council (the "County Council"), under and pursuant to the provisions of Title 48, Chapter 3 of the Code of Laws of South Carolina 1976, as amended (the "Act"), has previously issued its \$77,000,000 Pollution Control Facilities Revenue Refunding Bonds, Series 1993 (Duke Power Company Project) (the "Bonds"), and

WHEREAS, Duke Energy Corporation (f/k/a Duke Power Company) (the "Corporation") has requested that the County amend the Loan Agreement dated as of April 1, 1993 relating to the Bonds to, among other things, add a guarantee from Duke Energy Holding Corp. (the "Parent"); and

WHEREAS, the County Council has caused to be prepared and presented to this meeting the following document which the County proposes to execute and deliver: Amendment to Loan Agreement among the County, the Parent and the Corporation (the "Amendment");

WHEREAS, it appears that the instrument above referred to, which is now before this meeting, is in appropriate form and is an appropriate instrument to be executed and delivered by the County for the purposes intended;

NOW, THEREFORE, BE IT ORDAINED by Oconee County, South Carolina, as follows:

Section 1. In order to further the purposes of the Act by assisting the Corporation in the purposes contemplated by the Amendment, the Amendment is approved.

Section 2. Nothing in this Ordinance or the Amendment shall be construed to change the fact that the Bonds are limited obligations of the County, the principal and interest on which are payable solely out of the revenues derived from the Loan Agreement. The Bonds and the interest thereon shall never constitute an indebtedness of the County within the meaning of any state constitutional provision or statutory limitation and shall never constitute or give rise to a pecuniary liability of the County or a charge against its general credit or taxing powers.

Nothing in this Ordinance or the Amendment shall be construed as an obligation or commitment by the County to expend any of its funds other than (i) the proceeds of the Bonds, (ii) the revenues derived from the Loan Agreement, and (iii) any moneys arising out of the investment or reinvestment of said proceeds, revenues or moneys.

Section 3. The form, terms and provisions of the Amendment presented to this meeting and filed with the Clerk of the County Council be and they are hereby approved and all

of the terms, provisions and conditions thereof are hereby incorporated herein by reference as if the Amendment were set out in this ordinance in its entirety. The Chairman and the Clerk of the County Council be and they are hereby authorized, empowered and directed to execute, acknowledge and deliver the Amendment in the name and on behalf of the County, and thereupon to cause the Amendment to be delivered to the Corporation. The Amendment is to be in substantially the form now before this meeting and hereby approved, or with such minor changes therein as shall be approved by the officials of the County executing the same, their execution thereof to constitute conclusive evidence of their approval of any and all changes or revisions therein from the form of the Amendment now before this meeting.

Section 4. The Chairman and the Clerk of the County Council, for and on behalf of the County, are hereby each authorized and directed to do any and all things necessary to effect the execution and delivery of the Amendment and the performance of all obligations of the County thereunder.

The Chairman and the Clerk of the County Council are each further authorized to execute and deliver such other documents and certificates necessary to effectuate the Amendment as contemplated in this ordinance.

Section 5. The provisions of this ordinance are hereby declared to be separable and if any section, phrase or provision shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions hereunder.

Section 6. All orders, resolutions, ordinances and parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed and this ordinance shall take effect and be in full force from and after its passage and approval.

Passed and approved this _____ day of _____, 2006.

**OCONEE COUNTY,
SOUTH CAROLINA**

By: _____
Chairman, Oconee County Council

ATTEST:

Clerk, Oconee County Council

First Reading: _____

Second Reading: _____

Public Hearing and
Third Reading: _____

**AGENDA ITEM SUMMARY
OCONEE COUNTY, SC**

COUNCIL WORKSHOP DATE: March 21, 2006
COUNCIL WORKSHOP TIME: 7PM

ITEM TITLE OR DESCRIPTION:

SECOND READING OF ORDINANCE 2006-01 AUTHORIZING THE COUNTY TAX COMMITTEE WHICH IS COMPOSED OF THE COUNTY AUDITOR, TREASURER, AND ASSESSOR TO REVIEW AND TAKE APPROPRIATE ACTION ON AGRICULTURAL AND RESIDENTIAL 4% APPLICATIONS FILED AFTER THE STATUTORY DEADLINE.

BACKGROUND OR HISTORY:

Section 12-43-220 of the South Carolina Code of Laws provides a substantial property tax discount to taxpayers who both own and occupy a home and to land owners whose property is used for agricultural purposes. In order for a taxpayer to receive these discounts for the first time they must first make application for the Agricultural and Residential 4% Classification with the County Assessor and be approved based on the laws governing those classifications.

One of those laws requires that the application be filed prior to the first penalty date for the tax year, which is normally January 15th, except where that date falls on the weekend or holiday. In those situations, the application deadline is extended to the end of the next business day. Failure to apply for the discount by that date constitutes a waiver of the special assessment for that tax year, which means that the discount is lost for that year. However, the law also says that "the governing body may extend the time for filing upon a showing satisfactory to it that the person had reasonable cause for not filing on or before the first penalty date". In the past (2004 & before), a previous Assessor accepted applications after the statutory deadline and not all taxpayers were aware that we are now enforcing the statute properly.

SPECIAL CONSIDERATIONS OR CONCERNS:

The Assessor normally receives between 30 and 50 late applications annually. Adding these to Council's normally full Agenda would be difficult. Therefore, it is recommended that this authority be delegated to the Tax Committee since they are already empowered to rule on other property tax matters such as refund requests, and already meet regularly.

The judgment to be made by Council, or their designee, in their review of late 4% Residential and Agricultural Applications is limited to determining whether or not the reason given by the taxpayer for not filing in a timely manner is sufficient to justify the extension of the deadline. Upon extension of the deadline the Assessor would still be required to ensure that all other requirements are met before granting the 4% Residential or Agricultural Classification.

STAFF RECOMMENDATION:

Approval for second reading of this proposed ordinance, followed by a public hearing and third and final reading.

FINANCIAL IMPACT:

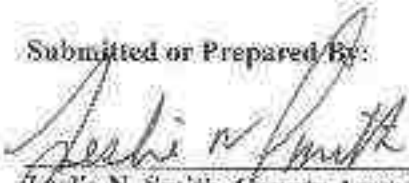
Regardless of who reviews any late 4% Residential and Agricultural Applications, it is unlikely that there will be any noticeable impact regarding revenue. The reason is that most late applications are for the 4% residential classification and there is a provision in Section 12-43-220 which would permit a taxpayer to pay the current year taxes at the higher rate and then request a refund in accordance with provisions contained in Section 12-60-2560 of the South Carolina Code of laws.

Regarding administrative cost, none would be added by the delegation of this authority to the Tax Committee since all members are full time county officials.

ATTACHMENTS:

Proposed Ordinance
Section 12-43-220 of the South Carolina Code of Laws (with pertinent sections highlighted)
Section 12-60-2560 of the South Carolina Code of Laws

Submitted or Prepared By:


Leslie N. Smith, County Assessor

Approved for Submittal to Council:


Ron H. Rabun, County Administrator

Reviewed By/ Initials:

_____ County Attorney

 Finance

_____ Other

C: Clerk to Council

STATE OF SOUTH CAROLINA

COUNTY OF OCONEE

ORDINANCE 2006-01

AN ORDINANCE AUTHORIZING THE COUNTY TAX COMMITTEE WHICH IS COMPOSED OF THE COUNTY AUDITOR, TREASURER AND ASSESSOR TO REVIEW AND TAKE APPROPRIATE ACTION ON AGRICULTURAL, AND RESIDENTIAL 4% APPLICATIONS FILED AFTER THE STATUTORY DEADLINE

WHEREAS, Section 12-43-220 of the Code of laws of South Carolina (1976), as amended, sets forth the classifications and assessments for classes of property within the state subject to ad valorem taxation to be collected by local governments; and

WHEREAS, the laws of the State of South Carolina provide a substantial property tax discount to taxpayers who both own and occupy a home or use their land for agricultural purposes; and

WHEREAS, in order for a taxpayer to qualify for the discount the property must first be classified as either Residential 4% or Agricultural by the County Assessor; and

WHEREAS, the law requires that a South Carolina Department of Revenue approved application be filed with the County Assessor on or before the first penalty date for taxes due for the first tax year in which the special assessment is claimed; and

WHEREAS, the law permits the County Assessor to consider applications submitted after the statutory deadline only upon a ruling by the governing body that the taxpayer's reason for not filing the application in a timely manner was sufficient to warrant special consideration; and

WHEREAS, it is anticipated that in the current and future years the large number of late applications submitted for review may result in a delay in rendering decisions; and

WHEREAS, it is the desire of Council to establish a more efficient procedure for the review of these applications, thereby avoiding an inconvenience to taxpayers; and

WHEREAS, the County Tax Committee is comprised of full time county officials who meet regularly for the purpose of deciding other tax related issues which they are empowered by state law to rule on; and

NOW THEREFORE, BE IT ORDAINED by the County Council of the County of Oconee, in session, duly assembled with quorum present and voting as follows:

Effective immediately upon passage of this Ordinance the County Tax Committee is authorized on behalf of the governing body of Oconee County to review all late 4% Residential and Agricultural Applications. The purpose of the review being solely to determine whether or not the reasons presented for failure to make application in a timely manner were sufficient to warrant an extension of the deadline as provided for in Section 12-43-220 of the South Carolina Code of Laws.

SOUTH CAROLINA CODE OF LAWS

SECTION 12-43-220. Classifications shall be equal and uniform; particular classifications and assessment ratios; procedures for claiming certain classifications; roll-back taxes.

Except as otherwise provided, the ratio of assessment to value of property in each class shall be equal and uniform throughout the State. All property presently subject to ad valorem taxation shall be classified and assessed as follows:

(a) All real and personal property owned by or leased to manufacturers and utilities and used by the manufacturer or utility in the conduct of the business must be taxed on an assessment equal to ten and one-half percent of the fair market value of the property.

Real property owned by or leased to a manufacturer and used primarily for research and development is not considered used by a manufacturer in the conduct of the business of the manufacturer for purposes of classification of property under item (a) of this section. The term "research and development" means basic and applied research in the sciences and engineering and the design and development of prototypes and processes.

Real property owned by or leased to a manufacturer and used primarily as an office building is not considered used by a manufacturer in the conduct of the business of the manufacturer for purposes of classification of property under item (a) of this section if the office building is not located on the premises of or contiguous to the plant site of the manufacturer.

Real property owned by or leased to a manufacturer and used primarily for warehousing and wholesale distribution of clothing and wearing apparel is not considered used by a manufacturer in the conduct of the business of the manufacturer for purposes of classification of property under item (a) of this section if the property is not located on the premises of or contiguous to the manufacturing site of the manufacturer.

(b) All inventories of business establishments shall be taxed on an assessment equal to six percent of the fair market value of such property and all power driven farm machinery and equipment except motor vehicles registered with the Department of Motor Vehicles owned by farmers and used on agricultural lands as defined in this article shall be taxed on an assessment equal to five percent of the fair market value of such property; provided, that all other farm machinery and equipment and all livestock and poultry shall be exempt from ad valorem taxes.

(c)(1) **The legal residence and not more than five acres contiguous thereto, when owned totally or in part in fee or by life estate and occupied by the owner of the interest, and additional dwellings located on the same property and occupied by immediate family members of the owner of the interest, are taxed on an assessment equal to four percent of the fair market value of the property.** If residential real property is held in trust and the income beneficiary of the trust occupies the property as a residence, then the assessment ratio allowed by this item applies if the trustee certifies to the assessor that the property is occupied as a residence by the income beneficiary of the trust. When the legal residence is located on leased or rented property and the residence is owned and occupied by the owner of a residence on leased property, even though at the end of the lease period the lessor becomes the owner of the residence, the assessment for the residence is at the same ratio as provided in this item. If the lessee of property upon which he has located his legal residence is liable for taxes on the leased property, then the property upon which he is liable for taxes, not to exceed five acres contiguous to his legal residence, must be assessed at the same ratio provided in this item. If this property has located on it any rented mobile homes or residences which are rented on any business for profit, this four percent value does not apply to those businesses or rental properties.

For purposes of the assessment ratio allowed pursuant to this item, a residence does not qualify as a legal residence unless the residence is determined to be the domicile of the owner-applicant.

(2)(i) To qualify for the special property tax assessment ratio allowed by this item, the owner-occupant must have actually owned and occupied the residence as his legal residence and been domiciled at that address for some period during the applicable tax year. A residence which has been qualified as a legal residence for any part of the year is entitled to the four percent assessment ratio provided in this item for the entire year, for the exemption from property taxes levied for school operations pursuant to Section 12-37-251 for the entire year, and for the homestead exemption under Section 12-37-250, if otherwise eligible, for the entire year.

(ii) This item does not apply unless the owner of the property or the owner's agent applies for the four percent assessment ratio before the first penalty date for the payment of taxes for the tax year for which the owner first claims eligibility for this assessment ratio. In the application the owner or his agent must certify to the following statement:

"Under penalty of perjury I certify that:

(A) the residence which is the subject of this application is my legal residence and where I am domiciled at the time of this application and that I do not claim to be a legal resident of a jurisdiction other than South Carolina for any purpose; and

(B) that neither I nor any other member of my household is residing in or occupying any other residence which I or any member of my immediate family has qualified for the special assessment ratio allowed by this section."

(iii) For purposes of sub item (ii) (B) of this item, "a member of my household" means:

(A) the owner-occupant's spouse, except when that spouse is legally separated from the owner-occupant; and

(B) any child of the owner-occupant claimed or eligible to be claimed as a dependent on the owner-occupant's federal income tax return.

(iv) In addition to the certification, the burden of proof for eligibility for the four percent assessment ratio is on the owner-occupant and the applicant must provide proof the assessor requires including, but not limited to:

(A) a copy of the owner-occupant's most recently filed South Carolina individual income tax return;

(B) copies of South Carolina motor vehicle registrations for all motor vehicles registered in the name of the owner-occupant;

(C) other proof required by the assessor necessary to determine eligibility for the assessment ratio allowed by this item.

If the assessor determines the owner-occupant ineligible, the six percent property tax assessment ratio applies and the owner-occupant may appeal the classification as provided in Chapter 60 of this title.

(v) A member of the armed forces of the United States on active duty who is a legal resident of and domiciled in another state is nevertheless deemed a legal resident and domiciled in this State for purposes of this item if the member's permanent duty station is in this State. A copy of the member's orders filed with the assessor is considered proof sufficient of the member's permanent duty station.

(vi) No further applications are necessary from the current owner while the property for which the initial application was made continues to meet the eligibility requirements. If a change in ownership or use occurs, the owner who had qualified for the special assessment ratio allowed by this section shall notify the assessor of the change in classification within six months of the change. Another application is required by the new owner to qualify the residence for future years for the four percent assessment ratio allowed by this section.

(vii) If a person signs the certification, obtains the four percent assessment ratio, and is thereafter found not eligible, or thereafter loses eligibility and fails to notify the assessor within six months, a penalty is imposed equal to one hundred percent of the tax paid, plus interest on that amount at the rate of one-half of one percent a month, but in no case less than thirty dollars nor more than the current year's taxes. This penalty and any interest are considered ad valorem taxes due on the property for purposes of collection and enforcement.

(viii) Failure to file within the prescribed time constitutes abandonment of the owner's right for this classification for the current tax year, but the local taxing authority may extend the time for filing upon a showing satisfactory to it that the person had reasonable cause for not filing before the first penalty date.

(3) Notwithstanding any other provision of law, a taxpayer may apply for a refund of property taxes overpaid because the property was eligible for the legal residence assessment ratio. The application must be made in accordance with Section 12-60-2560. The taxpayer must establish that the property in question was in fact his legal residence and where he was domiciled. A county council, by ordinance, may allow refunds for the county government portion of property taxes for such additional past years as it determines advisable.

(4) A legal residence qualifying for the four percent assessment ratio provided by this item must have an assessed value of not less than one hundred dollars.

(5) To qualify for the four percent assessment ratio, the owner-occupant of a legal residence that is being purchased under a contract for sale or a bond for title must record the contract for sale or the bond for title in the office of the register of mesne conveyances or the clerk of court in those counties where the office of the register of mesne conveyances has been abolished.

For purposes of this subsection, a contract for sale or a bond for title is the sale of real property by a seller, who finances the sale and retains title to the property solely as security for the debt.

(6) Notwithstanding any other provision of law, a purchaser who purchases a residential property intending that the property shall become the purchaser's primary residence, but subject to vacation rentals as provided for in Title 27, Chapter 50, Article 2 for no longer than ninety days, may apply for the four percent assessment ratio when the purchaser actually occupies the property. If the owner actually occupies the residence within ninety days of acquiring ownership, the four percent assessment ratio, if the owner is otherwise qualified, applies retroactively to the date ownership was acquired.

(7) Notwithstanding any other provision of law, the owner-occupant of a legal residence is not disqualified from receiving the four percent assessment ratio allowed by this item if the taxpayer's residence meets the requirements of Internal Revenue Code Section 2632(g) as defined in Section 12-6-48(A) and the taxpayer otherwise is eligible to receive the four percent assessment ratio.

(d)(1) Agricultural real property which is actually used for such agricultural purposes shall be taxed on an assessment equal to:

(A) Four percent of its fair market value for such agricultural purposes for owners or lessees who are individuals or partnerships and certain corporations which do not:

(i) Have more than ten shareholders.

(ii) Have as a shareholder a person (other than an estate) who is not an individual.

(iii) Have a nonresident alien as a shareholder.

(iv) Have more than one class of stock.

(B) Six percent of its fair market value for such agricultural purposes for owners or lessees who are corporations, except for certain corporations specified in (A) above.

(2)(A) "Fair market value for agricultural purposes", when applicable to land used for the growth of timber, is defined as the productive earning power based on soil capability to be determined by capitalization of typical cash rents of the lands for timber growth or by capitalization of typical net income of similar soil in the region or a reasonable area of the region from the sale of timber, not including the timber growing thereon, and when applicable to land used for the growth of other agricultural products the term is defined as the productive earning power based on soil capability to be determined by capitalization of typical cash rents or by capitalization of typical net annual income of similar soil in the region or a reasonable area of the region, not including the agricultural products thereon. Soil capability when applicable to lands used for the growth of timber products means the capability of the soil to produce such timber products of the region considering any natural deterrents to the potential capability of the soil as of the current assessment date. The term, when applicable to lands used for the growth of other agricultural products, means the capability of the soil to produce typical agricultural products of the region considering any natural deterrents to the potential capability of the soil as of the current assessment date. The term "region" means that geographical part of the State as determined by the department to be reasonably similar for the production of the agricultural products. After average net annual earnings have been established for agricultural lands, they must be capitalized to determine use-value of the property based on a capitalization rate which includes:

1. an interest component;

2. a local property tax differential component;

3. a risk component;

4. an illiquidity component.

Each of these components of the capitalization rate must be based on identifiable factors related to agricultural use of the property. The interest rate component is the average coupon (interest) rate applicable on all bonds which the Federal Land Bank of Columbia, which serves South Carolina farmers, has outstanding on July first of the crop-years being used to estimate net earnings and agricultural use-value. Implementation of the provisions contained in this section is the responsibility of the department.

(B)(i) For tax year 1988 and subsequent tax years, fair market value for agricultural purposes must be determined by adjusting the applicable base year value by an amount equal to the product of multiplying the applicable base year value by a percentage factor obtained through the formula provided in this item. For tax year 1988, the applicable base year is 1981. The fair market value for agricultural purposes determined for the 1991 tax year is effective for all subsequent years.

(ii) The percentage factor provided in this item is derived from the most recent edition of the United States Department of Agriculture publication "AGRICULTURAL LAND VALUES AND MARKETS", specifically, from "Table 1--Farm Real Estate Values: Indexes of the average value per acre of land and buildings . . ." as listed for this State. The formula to determine the applicable percentage factor is the index of the year of change less the index of the base year with the resulting amount being divided by the index of the base year and rounded to the nearest whole number. For purposes of the formula, the base year is the last year in which values were adjusted under this item.

(3) Agricultural real property does not come within the provisions of this section unless the owners of the real property or their agents make a written application therefore on or before the first penalty date for taxes due for the first tax year in which the special assessment is claimed. The application for the special assessment must be made to the assessor of the county in which the agricultural real property is located, on forms provided by the county and approved by the department and a failure to apply constitutes a waiver of the special assessment for that year. The governing body may extend the time for filing upon a showing satisfactory to it that the person had reasonable cause for not filing on or before the first penalty date. No additional annual filing is required while the use of the property remains bona fide agricultural and the ownership remains the same. The owner shall notify the assessor within six months of a change in use. For failure to notify the assessor of a change in use, in addition to any other penalties provided by law, a penalty of ten percent and interest at the rate of one-half of one percent a month must be paid on the difference between the amount that was paid and the amount that should have been paid, but not less than thirty dollars nor more than the current year's taxes.

(4) When real property which is in agricultural use and is being valued, assessed, and taxed under the provisions of this article, is applied to a use other than agricultural, it is subject to additional taxes, hereinafter referred to as roll-back taxes, in an amount equal to the difference, if any, between the taxes paid or payable on the basis of the valuation and the assessment authorized hereunder and the taxes that would have been paid or payable had the real property been valued, assessed, and taxed as other real property in the taxing district, in the current tax year (the year of change in use) and each of the five tax years immediately preceding in which the real property was valued, assessed, and taxed as herein provided. If in the tax year in which a change in use of the real property occurs the real property was not valued, assessed, and taxed under this article, then the real property is subject to roll-back taxes for each of the five tax years immediately preceding in which the real property was valued, assessed, and taxed hereunder. In determining the amounts of the roll-back taxes chargeable on real property which has undergone a change in use, the assessor shall for each of the roll-back tax years involved ascertain:

(A) the fair market value without consideration of the standing timber of such real property under the valuation standard applicable to other real property in the same classification;

(B) the amount of the real property assessment for the particular tax year by multiplying such fair market value by the appropriate assessment ratio provided in this article;

(C) the amount of the additional assessment on the real property for the particular tax year by deducting the amount of the actual assessment on the real property for that year from the amount of the real property assessment determined under (B) of this section;

(D) the amount of the rollback for that tax year by multiplying the amount of the additional assessment determined under (C) of this section by the property tax rate of the taxing district applicable for that tax year.

(5) Any other provision of law to the contrary notwithstanding, a dockside facility whose primary use is the landing and processing of seafood is considered agricultural real property.

(6) Any property which becomes exempt from property taxes under Section 12-37-220(A) (1) or any economic development property which becomes exempt under Section 12-37-220(B) is not subject to rollback taxes.

(e) All other real property not herein provided for shall be taxed on an assessment equal to six percent of the fair market value of such property.

(f) Except as specifically provided by law, all other personal property must be taxed on an assessment of ten and one-half percent of fair market value of the property, except that commercial fishing boats, and commercial tugboats and pilot boats must be taxed on an assessment of five percent of fair market value. As used in this item "commercial fishing boats" means boats used exclusively for commercial fishing, shrimping, or crabbing and (1) licensed by the Department of Natural Resources, or (2) on or from which is used commercial fishing equipment licensed by the Department of Natural Resources. As used in this item, "commercial tugboats" shall mean boats used exclusively for harbor and ocean towing, documented with the U.S. Coast Guard, constructed of steel, and being at least seventy-nine feet in length and having a gross tonnage of at least ninety nine tons. As used in this item, "pilot boats" shall mean boats used exclusively for pilotage and operated exclusively by state pilots who are licensed by the Commissioners of Pilotage pursuant to Chapter 15 of Title 54 and Chapter 136 of the regulations issued pursuant thereto.

(g) All real and personal property owned by or leased to companies primarily engaged in the transportation for hire of persons or property and used by such companies in the conduct of such business and required by law to be assessed by the department shall be taxed on an assessment equal to nine and one-half percent of the fair market value of such property.

The department shall apply an equalization factor to real and personal property owned by or leased to transportation companies for hire as mandated by federal legislation.

Notwithstanding any other provision of this article, on June 3, 1975, if it is found that there is a variation between the ratios being used and those stated in this section, the county may provide for a gradual transition to the ratios as herein provided for over a period not to exceed seven years; provided, however, that all property within a particular classification shall be assessed at the same ratio, provided, further, however, that all property enumerated in subsection (a) shall be assessed at the ratio provided in such subsection and the property enumerated in subsections (b), (c), (d), (e), (f), and (g) shall be increased or decreased to the ratios set forth in this article by a change in the ratio of not less than one-half of one percent per year nor more than one percent per year.

Provided, however, that notwithstanding the provisions of this section, a county may, at its discretion, immediately implement the assessment ratios contained in subsections (b), (c), (d), (e), and (f). Provided, however, that livestock shall not be subject to ad valorem taxation unless such livestock is physically located within the State for a period in excess of nine months. Provided, that this section shall not apply to farm animals and farm equipment in use on a farm in those counties which do not tax such property as of June 3, 1975.

Provided, however, all agricultural or forest land within easements granted to public bodies, agencies, railroads, or utilities for rights of way of thirty feet in width or greater shall be assessed at the same cropland value per acre as soil class 7 in schedule 1 of R 117-125 of the State Department of Revenue. In order to receive such assessment the landowner must apply to the tax assessor of the county where the easement is located, with documentation of the existence, location, and amount of acreage contained in the easement.

SOUTH CAROLINA CODE OF LAWS

SECTION 12-60-2560. Filing claim for refund; contents.

(A) Subject to the limitations in Section 12-60-1750, and within the time limitation of Section 12-54-85(F), a property taxpayer may seek a refund of real property taxes assessed by the county assessor and paid, other than taxes paid on property the taxpayer claims is exempt, by filing a claim for refund with the county assessor who made the property tax assessment for the property for which the tax refund is sought.

The assessor, upon receipt of a claim for refund, shall immediately notify the county treasurer and the county auditor for the county from which the refund is sought. The majority of these three officials shall determine the taxpayer's refund, if any, and shall notify the taxpayer in writing of their decision.

(B) Within thirty days after the decision is mailed to the taxpayer on the claim for refund, a property taxpayer may appeal the decision to the county board of assessment appeals. The board may rule on any timely refund appeal relating to the correctness of the property tax assessment. Conferences conducted by the board are pursuant to the same rules and procedures provided in Section 12-60-2530 except that a taxpayer's denied claim for refund is considered the assessor's response to a protest of property tax assessment.

(C) Within thirty days after the board's decision is mailed to the taxpayer, a property taxpayer or county assessor may appeal the decision issued by the board by requesting a contested case hearing before the Administrative Law Judge Division. Requests for a hearing before the Administrative Law Judge Division must be made in accordance with its rules.

If a taxpayer requests a contested case hearing before the Administrative Law Judge Division without exhausting his prehearing remedy because he failed to file a claim for refund or attend the conference with the county board of assessment appeals, the Administrative Law Judge shall dismiss the action without prejudice. If the taxpayer failed to provide the county board with the facts, law, and other authority supporting his position, he shall provide the representative of the county at the hearing with the facts, law, and other authority he failed to present to the county board earlier. The Administrative Law Judge shall then remand the case to the county board for reconsideration in light of the new facts or issues unless the representative of the county at the hearing elects to forego the remand.

Upon remand the county board has thirty days, or a longer period ordered by the Administrative Law Judge, to consider the new facts and issues and amend its decision. The county board shall issue its amended decision in the same manner as the original. The taxpayer has thirty days after the date the county board's decision was mailed or delivered to the taxpayer to again request a contested case hearing. Requests for a hearing before the Administrative Law Judge Division must be made in accordance with its rules.

If the county board fails to issue its amended decision within thirty days of the date of the remand, or a longer period ordered by the Administrative Law Judge, the taxpayer can again request a contested case hearing. At the new hearing the facts, law, and other authority presented at the original hearing must be deemed to have been presented in a timely manner for purposes of exhausting the taxpayer's prehearing remedy. The statute of limitations remains suspended by Section 12-54-85(G) during this process.

AGENDA ITEM SUMMARY
OCONEE COUNTY, SC

COUNCIL MEETING DATE: March 21, 2006
COUNCIL MEETING TIME: 7:00 PM

ITEM TITLE OR DESCRIPTION:

County auction of surplus property to be held on Saturday, May 6, 2006 at 9:00 am at the Vehicle Maintenance Facility.

BACKGROUND OR HISTORY:

Periodically, the county conducts an auction in order to dispose of surplus items that are no longer needed. The auction is typically scheduled in October or when the surplus inventory reaches full capacity. However, with our recent workload and reduction in staff we were unable to schedule a sale last fall. The county's current surplus inventory is at maximum capacity and our limited storage building is full as well. Items in surplus include: vehicles, equipment, office equipment, desks, etc. A full listing of all proposed items for auction is attached to this summary.

In recent years, the auctions have been held at the Vehicle Maintenance Facility on Wells Highway in Seneca, SC. This is a convenient location because the surplus storage building, which holds most of the surplus property, is located behind this facility and vehicles to be auctioned are already stored there. There is also sufficient room to hold the auction at this location and it is a well-known site to many Oconee County citizens.

STAFF RECOMMENDATION FOR COUNCIL ACTION:

Staff recommends: (1) approval of the attached surplus property list (2) establish the scheduled auction date of Saturday, May 6, 2006 beginning at 9:00 am to be held at the Vehicle Maintenance Building in Seneca, SC. Once approved by County Council, no additional items will be added to the tentative list; however, items may be withdrawn if it is in the best interest of the County to do so.

FINANCIAL IMPACT:

Past auctions usually net \$20-30,000 which is deposited into the county's "General Fund" account.

ATTACHMENTS:

- 1. 2006 Tentative Surplus Property Auction List (6 pages)

Submitted or Prepared By:


Marianne A. Dillard, Procurement Director

Approved for Submittal to Council:


Ron H. Rabun, County Administrator

Reviewed By: Initials:

N/A _____ County Attorney

N/A _____ OMB

_____ DOAS

_____ Department

C: Clerk to Council

2006 Surplus Property Auction List

Qty/Yr.	Description	Mfr.	Condition
1984	Air Compressor	Eagle Air Systems	Does not work, sell for parts
1993	Air Handler	Trane	Good
	Answering Machine P-140 Cream	Harris	
	Answering Machine SP-811	Sprint	Works, but needs tape
	Base Station Radio	GE	
	Battery Checker VAT-40	Sun	Fair
1983	Boat, Pontoon	Aqua	Worn Out Floors- Bad Canopy- Bad
33	Boots, Fireman's		
8	Box, Distribution (black, metal shelf-type)		
	Box, Storage File (metal)		Fair
	Cabinet w/ door, brown wooden 1.5Wx2'H		
	Cabinet, Card - 12 drawer	Steelmaster	Good
	Cabinet, Card - 2 drawer, beige	Buddy Products	Good
	Cabinet, Card - 2 drawer, beige	Steelmaster	
2	Cabinet, Card - 8 drawer, beige	Tennaco	Good
2	Cabinet, Card File		
	Cabinet, File - 2 drawer, Beige		
	Cabinet, File - 2 drawer, metal	HON	Fair
	Cabinet, File - 2 drawer, silver, rolling	Oxford	Fair
	Cabinet, File - 4 drawer, light grey	HON	Bottom drawer won't open/close
	Cabinet, File - 4 drawer, beige	HON	
	Cabinet, File - 4 drawer, brown		
	Cabinet, File - 4 drawer, lateral, cream		
	Cabinet, File - 4 drawer, metal	Steelmaster	Handle missing
2	Cabinet, File - 4 drawer, metal, beige		
	Cabinet, File - 4 drawer, metal, beige	HON	
	Cabinet, File - 4 drawer, metal, brown		Handle missing
	Cabinet, File - 6 drawer, green		
	Cabinet, File - Green 6 drawer		
	Cabinet, File - wooden		
	Cabinet, File - metal		Fair
2	Cabinet, File-Checks 6 drawer, green		
	Cabinet, Metal, 1 drawer w/ 2 doors		
2	Cabinet, Storage Table-Beige, 2 drawer		
	Calculator, 820	Victor	
	Calculator, Electronic 1460	Victor	Good
2	Calculator, Electronic 1460-2	Victor	Works
	Calculator, Electronic 1460-3	Victor	Works
	Calculator, Electronic Compet VX-1612	Sharp	Works
2	Calculator, Electronic Compet VX-1652B	Sharp	Works
1990	Car, Caprice	Chevrolet	Transmission- Slips Left Converter- Bad Parking Light- Missing Front End- Needs Work Mileage- 187,278
3	Case, Chainsaw	Homelite	Does not work, sell for parts
	Case, Saw	Milwaukee	
	Cash Register CIR-204	CITOH	Good

5	Chainsaw	Homelite	Not OSHA approved
2	Chainsaw	Homelite	Does not work, sell for parts
	Chainsaw, Partial	STIHL	Sell for Parts
2	Chainsaw, Partial	Homelite	Sell for Parts
2	Chair		
	Chair	United	
5	Chair, 4 wheels		
	Chair, beige fabric w/ arms		
	Chair, black vinyl		
	Chair, black w/ arms		
	Chair, blue fabric, no back		
	Chair, Brown leather and metal		Torn "Office Equipment Distributors" sticker on back
2	Chair, brown upholstery		Fair
4	Chair, cane bottom		Fair
1	Chair, Executive - 4 rollers Beige, w/ arms		
2	Chair, Executive - 4 rollers w/ arms, blue/white print		
4	Chair, Executive - 4 rollers, green		
2	Chair, Executive - 4 wheels-yellow, leather, high-back		
2	Chair, Executive - black leather 4 wheels, high-back		
2	Chair, Executive - brown leather, upholstery 4 wheels, high-back		
2	Chair, Executive, low-back w/ 4 rollers		
3	Chair, Folding		Good
	Chair, Office (black, leather) w/ 5 rollers		
36	Chair, plastic - non-stacking, beige		Fair
4	Chair, plastic - non-stacking, orange		Fair
2	Chair, plastic - non-stacking, red		Fair
4	Chair, plastic - non-stacking, white		Fair
	Chair, rolling blue/black		Good
	Chair, Secretarial, 4 rollers-brown/metal		Fair
	Chair, Side - brown leather, 4 legs		
2	Chair, Side - brown/cream striped-metal chair 4 legs w/ arms		
	Chair, Side-Stationary Oak antique		
	Chair, straight back Beige fabric		
	Chair, straight back Black		
	Chair, Task (blue)		Fair
	Clock Stamper	Latham	
2	Clock, Time	Latham	Fair
	Coat Rack (metal)		
	Coats, etc, Fireman (Turn-out gear)		
	Conduit, Electrical (16 pieces)		
	Container for paintings (solid oak) painting stand in it		Good
	Copier, 1385	Mita	Poor
	Copier, 1605	Mita	Poor
	Copier, 1790	Konica	Poor
	Copier, 3055		Works, no service agreement
	Copier, 5585	Mita	Works
	Copier, Cannon NP 3030	Cannon	Fair
	Copier, DC 2155	Mita	Poor

	Copier F126503	Cannon	Serviceable
	Crane	Lima	
	Crane	Bucyrus-Erie	Poor-Cannibalized
	Credenza Brown wood		Fair
	Credenza Brown wood/metal, (silver dividers)		
	Credenza Brown wood/metal, (silver dividers)		Good
	Credenza, Brown wooden w/ metal racks		
	Credenza, Brown wooden, w/ mis. Parts		Fair
	Credenza, Desk 5'LX1'H 2 shelves		Good
1992	Crown Victoria	Ford	Engine- Fair Speedometer- Bad Mileage- 230,335
1992	Crown Victoria	Ford	Condition- Fair Exhaust work needed Mileage- 188,764
1992	Crown Victoria	Ford	Worn Out Heater Controls- Missing (used in another vehicle) Mileage- 181,952
1992	Crown Victoria	Ford	Transmission Slips Body & Engine- Fair Mileage- 169,273
1995	Crown Victoria	Ford	Mileage- 208,389
1995	Crown Victoria	Ford	Front End- Bad Brakes- Bad Body & Engine- Fair Mileage- 228,817
1995	Crown Victoria	Ford	Worn Out Burning Oil Park light missing- right side Mileage- 315,018
1997	Crown Victoria	Ford	Wrecked Front End Uses Oil Mileage- 206,568
1997	Crown Victoria	Ford	Intake- Bad Mileage- 213,044
1995	Crown Victoria	Ford	Transmission- Bad Parts Missing Body & Engine- Fair Mileage- 195,030
1994	Crown Victoria	Ford	Transmission- Bad Body & Engine- Fair Mileage- 222,424
94	Crown Victoria	Ford	Transmission- Bad Window Switch- Bad Mileage- 102,241
1995	Crown Victoria	Ford	Condition- Fair Mileage- 135,602
2001	Crown Victoria	Ford	Totaled (parts salvageable) Mileage- 77,178
	DeHumidifier		
	Desk w/ Credenza, brown no drawers		
	Desk w/ Return 3 drawer brown wood top w/ beige metal body		Good

	Desk, 5 drawer		Good
	Desk, brown & black metal (2 drawer)		Poor
	Desk, darkwood w/ return 6 drawers (2 are dbl drawers) 1 drawer locks		Needs minor repair No legs
	Desk, metal (green) 5 drawers		Good
	Desk, metal (green) 7 drawers		Good
	Desk, metal Beige		
	Desk, metal Green		
	Desk, Typewriter		Good
2	Desk, U-Shaped		Good
	Desk, w/ Return reddish-brown (5 drawer)		Legs in drawer
	Desk, wood veneer w/ drawer, 41"Hx30"W		Good
	Desk, wooden (3 drawer)		Poor
	Exam Table (brown & black)	IE Industries	Good
	Fax Machine FO-1460	Sharp	Works
	Fax Machine MFC 8300	Brother	
	Fax Machine, OKI-FAX 1000	Oxidata	Works
3	Feeder, Tractor Option Kit	Oxidata	New- Still in box
	Filters, Auto Miscellaneous	Box: "3T"	
	Folder Premier P7200 (folds letters when sent through it)	Premier	Good
	Gasket, GE, 1995, Chevy Blazer		
	Golf Cart (2-Cycle)	EZ-Go	Engine- Bad
	Hose, Bucket Lever FL-20		
	Hutch, Brown wood		Poor
	Jack, Bumper air operated		Fair
	Jack, Floor 10-ton		Poor
2	Level	Transit	
	Machine, Refrigerant Recovery ACT 3000	Snap-On	Good
	Mailboxes, 40 boxes wood, brown		Fair
	Mat, Floor for chairs		
1982	Monitor, Typewriter w/ stand	IBM	
1983	Motor, Boat 60 HP Outboard	Evinrude	Condition- Fair
	Mower, Lawn (push) 42530	Poulan	Doesn't start
1987	Mower, Tractor F-935	John Deere	Condition- Fair Wheel Hub- Leaks Mileage-
	Partitions, Wall		Nice
3	Partitions, Wall 7' Gray		Good
	Partitions, Wall - Bathroom		
	Paris, Auto Miscellaneous		
1989	Pile Driver Set		
	Pot, Coffee - Glass		
	Pump, Heat	Trane	Good
	Rack, Magazine		Excellent
	Rack, Map		
5	Rack, Metal		Good
3	Rack, paperback book		
	Rack, Printer		Good
	Radio, Clock	Zenith	
	Recycler, Antifreeze 143-D12-007	Solar	Good
	Return, Desk Brown, wooden 1 drawer		Fair
	Return, Desk Right w/o desk brown wood top, black body, 3 drawer		
	Return, right matches desk		Needs minor repair No legs
2001	Sealer, Pressure - EZ Seal	AIG Technology	Hangs-up occasionally

	Sign: "EXIT"		
	Stand, Keyboard		
	Stand, printer (metal) cream		Fair
	Stand, printer brown/wooden		Poor
	Stand, printer brown/wooden on wheels		
2	Stand, printer cream color metal		Good
3	Stand, record (top opens) solid oak		Good
	Stand, Witness		Good
	Station, Eyewash Portable		
2	Stool, swivel		
	Table		Good
	Table, boxed-in, brown, wood		
	Table, brown/black folding tables 8'L		Good
	Table, brown/black folding tables 8'L		Good
	Table, Computer Corner		Good
	Table, Drafting		Good
	Table, folding		Broken
	Table, folding w/ legs wooden black/brown		Trim band is loose
2	Table, printer		
	Table, printer brown wooden		
	Table, printer w/ shelf brown wood		
	Table, Round w/ metal base approx. 4' D		Fair
	Table, round, small white & metal (approx. 3'D)		Good
	Table, square small, wood & metal (approx. 3'Hx2'Wx1 1/2'L) 2 shelves		Good
2	Table, wooden 36"x66"		Poor
	Tank, Water (wheeled) w/ pump (400 gallon)	Army Surplus	Needs adj. To pump
	Telephone		
	Telephone, 2-line FKXT3145	Panasonic	
2	Telephone, 512 Cream	AT&T	
	Telephone, Freedom FT3608, White	Southwestern Bell	No Cord
	Telephone, Unity	Northern Telecom	
	Toilet (complete)		
	Toilet (top for tank)		
1992	Tractor, Lawn 240	John Deere	Engine- Knocking Mileage-
1986	Tractor, Tractor EA414C	Ford	Condition- Fair Steering Sector- Leaks Hours- 843
	Transit		
1986	Truck 3500 4x4		Condition- Poor inside- Trashed Engine- Knocks Transmission- Slips Mileage- 120,303
		Chevrolet	
1986	Truck 4x4		Condition- Fair Mileage- 207,285
		Chevrolet	
1984	Truck, 4x4 250		
		Chevrolet	
1987	Truck, F-350		Worn Out Mileage- 189,876
		Ford	
1994	Truck, F-350 Clean-Up		Transmission- Bad Mileage- 374,201
		Ford	
1983	Truck, Fire F-800		Condition- Fair Mileage- 27,442
		Ford	
	Typewriter		Good
	Typewriter (tom sticker) Office Line	Olympia	Good
	Typewriter MFC8300	Brother	Fair
	Typewriter Wheelwriter	IBM	Good

	Typewriter Wheelwriter	IBM	Fair
1	Unit, Wall		Good
2	Urn, Coffee		
1975	Van E-100	Ford	Mileage- 80,152 Condition- Poor Top rusted door/fenders/bumpers dented
1974	Van, Econoline	Ford	
	Vanity, Bathroom sink w/ cabinet		
	Walkie Talkie set (2)		
1989	Washer, Pressure	Spartan	Poor
	Weedeater	Poulan	Broken
	Weedeater 225RJ	Husqvarna	Needs clutch

**AGENDA ITEM SUMMARY
OCONEE COUNTY, SC**

**COUNCIL MEETING DATE: March 21, 2006
COUNCIL MEETING TIME: 7:00 pm**

ITEM TITLE OR DESCRIPTION:

Bid #05-09 Seneca Landfill Groundwater Remediation Cap: Construction of a MSW landfill closure with a clay cap; excavating a C&D landfill cell; and constructing a C&D recycling area.

BACKGROUND OR HISTORY:

The County Landfill consists of a closed municipal solid waste landfill (MSW) and an operating construction and demolition (C&D) landfill, both of which are operated and maintained solely by Oconee County. The MSW landfill is situated on an approximate 166-acre tract, owned by the City of Seneca, but leased by Oconee County. The MSW landfill consists of two defined areas: Area I, which is approximately 29 acres, and Area II, an approximate 26 acres. Area I, was permitted by SC DHEC as a sanitary (MSW) landfill from 1973 to 1998. Area II was also used as a MSW landfill. Area I of the landfill was "closed" in accordance with DHEC regulations, and is continuously monitored for volatile organic compounds (VOCs). Area II was closed, but was never covered or "capped" in accordance with DHEC regulations.

In 1998, it was determined that the operational MSW landfill (Area I) would be closed, and the "old" landfill (Area II) would be capped with a minimum of 2-feet of clay cover, or a cap. A cap is a highly impenetrable layer, typically comprised of specific clays or synthetic materials, whose purpose is to prevent the infiltration of surface water (rain) down through the waste cells into the underlying ground water. This cap is designed to prevent, or greatly reduce, the movement of potential contaminants out of the disposed waste into the water table.

In May 2003, Oconee County Council, upon recommendation from Goldie and Associates and the Solid Waste division, determined that "capping" Area II of the MSW landfill would be the most cost effective means of addressing groundwater concerns. Suitable clays for the capping project were found at the landfill, which reduced expenditures on both the clay itself and hauling costs. In October and November 2005, a timbering project was completed at the C&D expansion location and another area that contained suitable material for the clay cap.

Due to spatial limitations, it was recommended to relocate the mulching operation to the capped area of the landfill Area II. This relocation will both better serve the citizens who wish to purchase mulch on Saturdays (currently, mulch is not available on Saturdays). Additionally, relocating the mulching operation will add efficiency in overall Solid Waste operations. Along with the mulching operation, a C&D recycling area will also be constructed. Recycled items will include usable furniture, lumber and block. This practice is environmentally responsible in that it recycles usable items, and conserves space in the landfill.

BID SOLICITATION HISTORY:

On March 7, 2006, formal sealed bids were opened for this project. Twenty-three companies were originally notified of this bid opportunity. Four companies submitted bids, with Cox and Floyd Grading, Inc. submitting the lowest bid. Goldie and Associates is the Engineer of Record for this project. Goldie has reviewed Cox and Floyd's submittal, and is recommending that Oconee County award the bid to Cox and Floyd Grading.

SPECIAL CONSIDERATIONS OR CONCERNS:

Through remediation, the Solid Waste division continues to strive to be good environmental stewards and good neighbors. The clay cap will host native grasses and brush, and will provide natural habitats for birds and other wildlife.

Relocating the mulching facility and opening a C&D recycling area will help divert waste from the landfill.

In addition, the expansion of the C&D landfill is necessary due to the fact that the current cell is at capacity.

If appropriate remediation actions are not taken, SC DHEC or Federal EPA could initiate enforcement action, which would still require the County to complete the project, in addition to paying fines.

STAFF RECOMMENDATION:

Award Bid #05-09 to Cox and Flove Grading, Inc. of Reidsville (Greer), SC for the estimated amount of \$1,721,009.98, plus contingency of \$128,990.02, for a Grand Total of \$1,850,000 for construction of a MSW landfill closure cap, excavating a new C&D landfill cell, and a new C&D recycling area. Since costs may vary depending upon actual site conditions, staff recommends the award of \$1,850,000. The contingency of \$128,990.02 would be available in the event that varying site conditions require additional work.

The total construction time estimated for this project is 240 days after Notice to Proceed. The clay cap shall be completed within 90 days.

FINANCIAL IMPACT:

County budget of \$1,532,000 will be supplemented by accumulated and available funds in landfill closure fund, to come out of the following line items: 016-726-60011-00000, 016-726-60853-0000, and 016-001-00060-73230 (\$318,000).

ATTACHMENTS:

1. Bid Tabulation
2. Letter of recommendation from Gordie & Associates
3. Drawing of Landfill

Submitted or Prepared By:


Marianne A. Dillard
Procurement Director

Approved for Submittal to Council:


Ron H. Rahm, County Administrator

Reviewed By/ Initials:

County Attorney  OMB  Department

C: Clerk to Council

Balance in 'Postclosure Liability' account: \$2,234,406.95

I hereby certify that to the best of my knowledge this tabulation of bids to be correct.

Jet Code: 16-001-00360-73203-5216-000
16-726-00011-5765-000
16-726-60955-5765-000

Procurement Director

Bidders			Car & Floyd Grading, Inc.	ES Wagner Company, LLC	Manin Brothers Construction Co., Inc.	Baker's Construction Services, Inc.				
Address:			Redwile (Greer), SC	Redmont, SC	Gray Court, SC	Bluff City, TN				
No.	Qty	Description	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price
MSW Landfill Closure Site										
1		Mobilization	\$51,455.15	\$51,455.15	\$150,625.50	\$150,625.50	\$145,000.00	\$145,000.00	\$178,000.00	\$178,000.00
2	1,895	Ditches w/prop lining (60"x3') (D)	\$28.00	\$53,060.00	\$18.00	\$34,110.00	\$15.00	\$27,725.00	\$22.00	\$41,490.00
3	3,709	Grass seed ditches and swales	\$4.30	\$14,215.50	\$8.00	\$29,672.00	\$8.00	\$29,672.00	\$2.50	\$9,272.50
4	1	Install Gas Monitoring/Wel Protection	\$1,850.00	\$1,850.00	\$2,000.00	\$2,000.00	\$5,000.00	\$25,000.00	\$,589.67	17,945.33
5	10	Moody Gas Collectors	\$485.00	\$4,850.00	\$400.00	\$4,000.00	\$1,800.00	\$18,000.00	1,500.00	22,500.00
6	1	Construct Wel Around Tank	\$4,400.00	\$4,400.00	\$10,000.00	\$10,000.00	\$18,000.00	\$18,000.00	4,500.00	4,500.00
7	3	Gas Valve modifications	\$580.00	\$1,740.00	\$200.00	\$600.00	\$2,500.00	\$7,500.00	1,500.00	4,500.00
8	1	Topsoil Removal/sloptic	\$17,845.00	\$17,845.00	\$22,000.00	\$22,000.00	\$35,250.00	\$35,250.00	31,252.00	\$1,362.00
9	1	Prepare subarea Flood roll and compact	\$35,802.00	\$35,802.00	\$8,500.00	\$8,500.00	\$35,250.00	\$35,250.00	14,800.00	14,800.00
10	1	Clay cap layer placement and compaction (approx 64,800 cy)	\$71,280.00	\$71,280.00	\$84,300.00	\$84,300.00	\$150,075.00	\$150,075.00	150,000.00	150,000.00
11	1	Final layer, includes excavation, placement, and compaction of common soil (from O&D landfill) (approx 175,250 cy) (a)	\$280,912.80	\$280,912.80	\$442,000.00	\$442,000.00	\$308,000.00	\$308,000.00	\$92,049.90	\$92,049.90
12	1	Endsoil layer re-spread 3' of topsoil	\$25,894.00	\$25,894.00	\$40,000.00	\$40,000.00	\$22,500.00	\$22,500.00	\$8,755.50	\$8,755.50
13	24.8	Grassing	\$1,200.00	\$29,760.00	\$1,100.00	\$27,320.00	\$1,050.00	\$26,040.00	1,750.00	\$43,450.00
14	11,149	Gravel access road (D) (includes landfill and O&D access roads)	\$4.02	\$44,819.98	\$5.00	\$55,749.50	\$5.00	\$55,749.50	5.27	\$58,734.16
15	24	Install 18" RSP	\$22.00	\$528.00	\$25.00	\$600.00	\$26.00	\$621.60	38.00	\$912.00
16	288	Install 24" RSP	\$28.00	\$8,064.00	\$35.00	\$10,080.00	\$38.00	\$10,944.00	40.00	\$11,520.00
17	2	Catch Basins (5' deep)	\$1,250.00	\$2,500.00	\$1,400.00	\$2,800.00	\$2,500.00	\$5,000.00	3,988.67	6,188.74
18	1	Outlet protection for 24" outlet pipe (D)	\$750.00	\$750.00	\$90.00	\$90.00	\$1,200.00	\$1,200.00	491.78	491.78
19	1	Sediment Basin #1 (modification (D) (includes outlet protection)	\$2,200.00	\$2,200.00	\$8,300.00	\$8,300.00	\$9,500.00	\$9,500.00	25,000.00	25,000.00
20	1	Sediment Basin #2 (modification (D) (includes outlet protection)	\$2,200.00	\$2,200.00	\$8,300.00	\$8,300.00	\$10,500.00	\$10,500.00	25,000.00	25,000.00
21	403	Install Sit Fencing	\$5.26	\$2,118.78	\$2.10	\$846.30	\$2.80	\$1,128.40	5.27	2,118.81
22	349	Remove and Replace Chain Link Fencing	\$15.20	\$5,294.80	\$10.78	\$3,759.72	\$18.00	\$6,282.00	18.00	\$6,282.00
23	403	Remove Sit Fencing	\$1.38	\$557.14	\$1.00	\$403.00	\$1.50	\$604.50	2.75	\$1,112.25
24	2	Concrete Pad	\$128,800.00	\$257,600.00	\$120,000.00	\$240,000.00	\$135,000.00	\$270,000.00	168,000.00	\$336,000.00
25	1	Remove and Replace Unusable Material	\$4.70	\$4.70	\$35.00	\$35.00	\$12.00	\$12.00	12.70	12.70
26	1	Rock Excavation Borrow Site (Strawberry Farm)	\$27.00	\$27.00	\$30.00	\$30.00	\$45.00	\$45.00	19.00	19.00
27	13.87	Clearing and Grubbing (clearing of site plus temporary hauling road to Creek Road)	\$3,000.00	\$41,100.00	\$2,500.00	\$34,625.00	\$5,200.00	\$72,164.00	4,800.00	\$61,002.00
28	1,383	Install Sit Fencing	\$5.24	\$7,246.92	\$2.10	\$2,904.30	\$2.80	\$3,872.40	5.27	7,246.38
29	651	Diversion Ditch	\$5.13	\$3,340.63	\$5.00	\$3,255.00	\$6.00	\$3,906.00	2.11	1,382.61
30	1	Install Sediment Pond G (D)	\$17,500.00	\$17,500.00	\$65,000.00	\$65,000.00	\$18,000.00	\$18,000.00	30,551.16	\$30,551.16
31	1	Stockpile topsoil	\$18,750.00	\$18,750.00	\$18,000.00	\$18,000.00	\$22,000.00	\$22,000.00	\$7,580.19	\$7,580.19
32	67,900	Excavate and haul clay material (D)	\$2.00	\$1,358,000.00	\$2.80	\$1,901,200.00	\$2.75	\$1,867,250.00	3.85	\$2,621,375.00
33	1	Replace cover/liner/grading	\$21,875.00	\$21,875.00	\$21,000.00	\$21,000.00	\$28,000.00	\$28,000.00	33,823.59	\$33,823.59
34	10,37	Grassing (includes grassing of healing pad to Creek Road)	\$1,248.00	\$12,885.60	\$1,100.00	\$11,377.00	\$1,050.00	\$10,794.50	1,518.01	\$15,632.78
35	1,383	Remove Sit Fencing	\$1.38	\$1,902.54	\$1.00	\$1,383.00	\$1.50	\$2,074.50	2.75	3,791.28

Bidders		Cox & Floyd Grading, Inc.		CS Wagner-Company, LLC		Martin Brothers Construction Co., Inc.		Baker's Construction Services, Inc.		
Trees		Reidsville (Greer, SC)		Fiedmont, SC		Gray Court, SC		Bluff City, TN		
No.	Qty	Description	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price
C&D Borrow Site and C&D Excavation										
36	38.2	Cleaning and Grubbing	\$5,000.00	\$24,600.00	\$2,200.00	\$18,640.00	\$5,200.00	\$25,240.00	4,200.00	\$34,440.00
37	1,220	Install Six Fencing	\$8.20	\$9,904.00	\$2.10	\$2,562.00	\$2.00	\$2,440.00	4.78	\$5,811.60
38	1	Install Sediment Pond D (2)	\$14,500.00	\$14,500.00	\$31,000.00	\$31,000.00	\$12,000.00	\$12,000.00	24,911.28	24,911.28
39	1	Install Sediment Pond E (2)	\$17,500.00	\$17,500.00	\$21,000.00	\$21,000.00	\$12,000.00	\$12,000.00	19,227.06	19,227.06
40	1	Install Sediment Pond F (1)	\$15,700.00	\$15,700.00	\$15,000.00	\$15,000.00	\$12,000.00	\$12,000.00	17,134.12	17,134.12
41	1	Strip/Stockpile topsoil (may be spread on site or stockpiled with item # 50)	\$13,770.00	\$13,770.00	\$21,000.00	\$21,000.00	\$22,500.00	\$22,500.00	34,224.28	34,224.28
42	16600	Excavate and haul clay material (3)	\$1.20	\$20,320.00	\$2.10	\$34,860.00	\$1.50	\$24,900.00	\$1.10	\$18,260.00
43	1	Stockpile erosion control that is not needed in the MSW recycling area (approx 155,000 sq ft)	\$273,900.00	\$273,900.00	\$276,000.00	\$276,000.00	\$282,500.00	\$282,500.00	687,511.87	687,511.87
44	105	Grass Sward	\$8.88	\$932.40	\$5.88	\$617.40	\$10.00	\$1,050.00	6.27	\$658.35
45	105	Grass lined trapezoidal ditch - 18" deep	\$12.00	\$1,260.00	\$3.00	\$315.00	\$12.00	\$1,260.00	4.93	\$519.60
46	778	Grass lined trapezoidal ditch - 24" deep	\$13.20	\$10,371.60	\$2.30	\$1,788.00	\$13.00	\$10,114.00	8.25	\$6,403.50
47	4	Board or wet MW (2-D)	\$285.00	\$1,140.00	\$500.00	\$2,000.00	\$250.00	\$1,000.00	300.00	1,200.00
48	3	Riprap outer protection (D)	\$1,250.00	\$3,750.00	\$650.00	\$1,950.00	\$1,500.00	\$4,500.00	400.50	1,201.50
49	40	Riprap lined ditch 18" deep (D)	\$26.00	\$1,040.00	\$23.00	\$920.00	\$35.00	\$1,400.00	28.00	1,120.00
50	145	Riprap lined ditch 24" deep (D)	\$30.00	\$4,350.00	\$24.00	\$3,480.00	\$40.00	\$5,800.00	29.00	4,205.00
51	177	Riprap lined ditch 24" deep (D)	\$32.00	\$5,664.00	\$25.00	\$4,425.00	\$45.00	\$7,965.00	32.00	\$5,664.00
52	73.27	Grassing	\$1,200.00	\$87,804.00	\$1,150.00	\$84,340.50	\$1,850.00	\$136,118.50	1,550.00	\$113,918.50
53	1	Guardrail	\$24.25	\$24.25	\$13.19	\$13.19	\$25.00	\$25.00	\$0.00	\$0.00
54	1	Macadamous Grading Hauling Road	\$10,500.00	\$10,500.00	\$6,000.00	\$6,000.00	\$15,000.00	\$15,000.00	8,900.00	\$8,900.00
55	1	Grading of 15' wide dirt road approx 2011' long	\$11,000.00	\$11,000.00	\$1.00	\$1,000.00	\$12,000.00	\$12,000.00	46,000.00	\$46,000.00
56	1	Wetlands Crossing (D)	\$6,200.00	\$6,200.00	\$1.00	\$1,000.00	\$18,000.00	\$18,000.00	26,000.00	\$26,000.00
57	1	Crooks Road Crossing (D)	\$2,500.00	\$2,500.00	\$1.00	\$1,000.00	\$10,000.00	\$10,000.00	5,500.00	\$5,500.00
58	0.25	Grassing of hauling road - from Crooks Road to existing gravel road (upon completion)	\$4,500.00	\$1,125.00	\$1.00	\$250.00	\$10,000.00	\$2,500.00	3,500.00	\$875.00
59	40	Remove and Replace fence at Crooks Road	\$18.00	\$720.00	\$1.00	\$40.00	\$50.00	\$2,000.00	18.00	\$720.00
Subtotal				\$1,679,087.70		\$1,342,755.80		\$2,056,331.00		\$3,346,036.25
Alternate Borrow Site (Airport)										
60	0.13	Cleaning and Grubbing	\$5,000.00	\$715.00	\$3,000.00	\$390.00	\$15,000.00	\$1,905.00	3,828.36	\$914.40
61	261	Install Six Fencing	\$8.20	\$2,150.20	\$2.10	\$548.10	\$2.00	\$522.00	3.00	\$783.00
62	1	Strip/Stockpile topsoil	\$450.00	\$450.00	\$3,500.00	\$3,500.00	\$10,000.00	\$10,000.00	5,000.00	\$5,000.00
63	3,700	Excavate and haul clay material (3)	\$2.75	\$10,175.00	\$3.00	\$11,100.00	\$3.10	\$11,470.00	12.50	\$46,250.00
64	1	Replace trapezoidal grading	\$1,200.00	\$1,200.00	\$4,000.00	\$4,000.00	\$10,000.00	\$10,000.00	3,500.00	\$3,500.00
65	612	Grassing	\$1,200.00	\$734,400.00	\$1,150.00	\$703,800.00	\$1,850.00	\$1,129,800.00	800.00	\$960,000.00
66	1	Construction Entrance (D)	\$2,500.00	\$2,500.00	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00	1,000.00	\$1,000.00
67	7	Sediment Pond (includes outer protection) (2)	\$7,500.00	\$52,500.00	\$12,000.00	\$84,000.00	\$8,000.00	\$56,000.00	9,900.00	\$73,350.00
68	1	Sediment Trap (D)	\$850.00	\$850.00	\$4,000.00	\$4,000.00	\$5,000.00	\$5,000.00	1,211.18	\$1,211.18
69	251	Remove all fences	\$1.55	\$389.55	\$1.00	\$251.00	\$1.50	\$376.50	2.70	\$677.70
Grand Total				\$1,721,206.68		\$1,704,557.06		\$2,124,585.00		\$3,421,747.10
Contingency				\$1,128,990.00						
Grand Total Including Contingency				\$2,850,196.68						
Acknowledged Addendum 1, 2, and 3				yes		yes		yes		yes
Submitted Bid Bond				yes		yes		yes		yes
* Note: Bid submitted reflects incorrect multiplication for item #34.										

**GOLDIE
&
ASSOCIATES***engineering, environmental
and laboratory services*

March 13, 2006

Ms. Marianne Dillard
Oconee County Procurement
415 S. Pine Street
Walhalla, SC 29691

Re: Seneca Landfill Closure
Goldie & Associates Project 22/47

Dear Ms. Dillard,

We have reviewed the bids received on the above referenced project. The bids appear to be balanced and in order. Enclosed please find a copy of the original bids and the bid tabulation.

Cox and Floyd Grading has indicated to us that they can begin construction soon after a notice of award and they have indicated that they can meet the project deadline. They have submitted to us a reasonable schedule and a list of personnel and equipment they intend on placing on the job. We have also contacted the provided references (see attached). The references that we were able to contact had favorable reviews of Cox & Floyd.

It should be noted that Cox & Floyd did not include with their bid a list of similar projects with references listed as was required in the information for bidders. This information was quickly provided to our office upon request after we received the bids. It is our recommendation that the County consider this as a minor defect in the bid and waive the requirement that the list be received with the bids.

It should be noted however, that Cox & Floyd Grading does not have any landfill experience. It should also be noted that the next bidder is over \$380,000 higher in price. This may mean that the County may have an increase in construction management costs to properly train and oversee the contractor. Also, there may be delays in the schedule due to the probable inexperience of field personnel. It is our opinion that these concerns do not warrant spending the additional funds for the next highest bidder.

We recommend that the County proceed with selecting Cox & Floyd Grading as the low bidder on the project.

If you have any questions or need any further information, please let us know.

Sincerely,

GOLDIE & ASSOCIATES

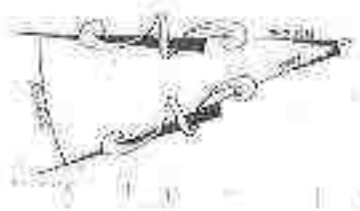
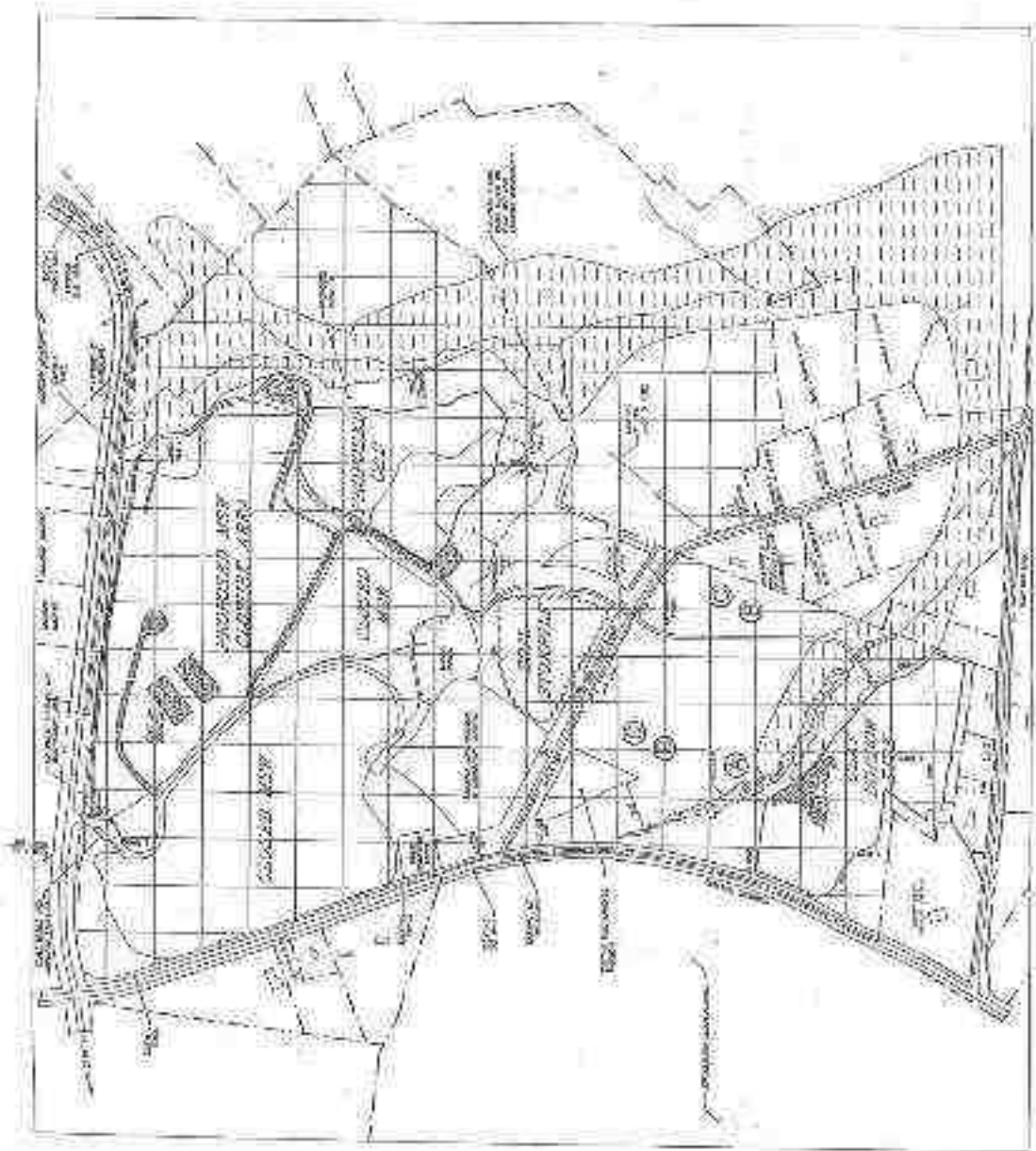


Alan Pope, P.E.
Civil Consulting Group Coordinator

CC: Mack Kelly, Director of Public Works

Encl.: As stated

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SCALE: 1" = 500'

LEGEND:

- PROPOSED ROADWAY
- PROPERTY LINE
- RIGHT-OF-WAY

STAMP 2:

- ① POSSIBLE LOCATION FOR AN OVERCROSSING
- ② INTERSECTION WITH 500' BUFFER
- ③ EXISTING CUT-UP HIGHWAY THAT CAN BE USED FOR 120' BUFFER
- ④ AREAS WHERE 50' MAY BE SHIPPED AND SPREAD OR INTERMEDIATE

LOCATIONS AVAILABLE FOR DISPOSITION OF AND CLEARING DEBRIS

AGENDA ITEM SUMMARY
OCONEE COUNTY, SC

COUNCIL MEETING DATE: 3/21/06
COUNCIL MEETING TIME: 7:00 pm

ITEM TITLE OR DESCRIPTION:

Permission to accept FY 2006 Edward Byrne Memorial Justice Assistance Grant.

BACKGROUND OR HISTORY:

The Edward Byrne Memorial Justice Assistance grant is administered by the US Department of Justice, Office of Justice Programs, Bureau of Justice Assistance. This program supports the efforts of local governments to prevent and control crime and to improve the criminal justice system. These funds are allocated based on population and crime statistics. This year, Oconee County is eligible to receive \$14,451,00. **No matching funds are required from Oconee County.**

SPECIAL CONSIDERATIONS OR CONCERNS:

This grant will be used to acquire law enforcement equipment and technology (see attached list).

▪ **Oconee County Sheriff's Department**

Edward Byrne Memorial Award = \$14,451,00

There is **NO** local match required.

STAFF RECOMMENDATION:

Acceptance of Edward Byrne Memorial Award funds.

FINANCIAL IMPACT:

Edward Byrne Memorial Award = \$14,451,00

NO local match required.

ATTACHMENTS:

Equipment List

Submitted or Prepared By:

Vanonda Holcomb Lewis

Approved for Submittal to Council:

Ron H. Rabun
Ron H. Rabun, County Administrator

Reviewed By/ Initials:

 N/A County Attorney

 pal Finance

 Other

C: Clerk to Council

**Edward Byrne Memorial Award
Justice Assistance Grant Program**

Equipment List

Equipment	Quantity
• <u>Oconee County Sheriff's Department</u>	
Night Weapons Sight with accessories	3
Color LaserJet Printer*	1
Camcorder**	1

* Color LaserJet will be utilized for printing mugshot photographs and suspect line-ups

** Camcorder will be utilized to provide video documentation of crime scenes, disorderly inmates and for additional training purposes

AGENDA ITEM SUMMARY
OCONEE COUNTY, SC

COUNCIL MEETING DATE: 3/21/06
COUNCIL MEETING TIME: 7:00

ITEM TITLE OR DESCRIPTION:

Authorization for the Sheriff's Department to apply for the Bulletproof Vest Partnership offered by the U.S. Department of Justice.

BACKGROUND OR HISTORY:

The Bulletproof Vest Partnership was created by the Bulletproof Vest Partnership Grant Act of 1998 and reauthorized in 2000. This is a unique initiative designed to provide a critical resource to state and local law enforcement. The Bulletproof Vest Partnership funds up to 50 percent of the cost of each vest purchased or replaced by law enforcement applicants.

SPECIAL CONSIDERATIONS OR CONCERNS:

- **Oconee Sheriff's Department**
Request for bulletproof vests
Grant = \$25,600
Local Grant Match Required = \$12,800

STAFF RECOMMENDATION:

Approval for Sheriff's Department to apply for Bulletproof Vest Partnership grant.

FINANCIAL IMPACT:

Local Grant Match Required = \$12,800
Match will be taken from Sheriff's Department line item 010-101-50840-00000

ATTACHMENTS:

Submitted or Prepared By:

Wanda Hopwood

Approved for Submittal to Council:

Ron H. Rabun
Ron H. Rabun, County Administrator

Reviewed By/ Initials:

N/A County Attorney
pe Finance
Other

C: Clerk to Council

AGENDA ITEM SUMMARY
OCONEE COUNTY, SC

COUNCIL MEETING DATE: 3/21/06
COUNCIL MEETING TIME: 7:00

ITEM TITLE OR DESCRIPTION:

Authorization for the Arts and Historical Commission to apply for a grant for the South Carolina Budget and Control Board Competitive Grants Program.

BACKGROUND OR HISTORY:

The South Carolina Budget and Control Board invites local governments to apply for state grants for health, environmental, economic development, and travel/tourism based projects. The criteria are broad in scope.

The Arts and Historical Commission wishes to apply for a grant that fits into the scope of the travel/tourism criteria. They wish to apply for funds to cover the cost of placing historical markers at or near the location of the former towns of the Lower Cherokee Indians. This project will also seek to include local students by providing educational opportunities. This project offers the opportunity to partner with the South Carolina National Heritage Corridor organization to create an information brochure to increase tourism in the County.

SPECIAL CONSIDERATIONS OR CONCERNS:

Part of the mission of the Arts and Historical Commission is to promote and encourage appreciation of Oconee County's history and culture. This grant offers a unique opportunity to stimulate tourism through participation and appreciation of our local history.

- Arts and Historical Commission
Possible Grant Award - \$10,000
NO Local Grant Match Required

STAFF RECOMMENDATION:

Approval for Arts and Historical Commission to apply for South Carolina Budget and Control Board Grant.

FINANCIAL IMPACT:

Grant Award - \$10,000
NO Local Grant Match Required

ATTACHMENTS:

Submitted or Prepared By:

Kuonda Hopwood-Lewis

Approved for Submittal to Council:

Ron H. Rabun
Ron H. Rabun, County Administrator

Reviewed By/ Initials:

NA County Attorney
Del Finance
_____ Other

C: Clerk to Council

**AGENDA ITEM SUMMARY
OCONEE COUNTY, SC**

COUNCIL MEETING DATE: 3/21/06

COUNCIL MEETING TIME: 7:00

ITEM TITLE OR DESCRIPTION:

Permission for Solid Waste to apply for the South Carolina Department of Health and Environmental Control grants program.

BACKGROUND OR HISTORY:

The South Carolina Department of Health and Environmental Control (SCDH/EC) makes several grants available to local governments on an annual basis. The purpose of these grants is to increase the recycling rate and to reduce the per capita municipal solid waste disposal rate. There are several grant categories available this year.

FY 07 Solid Waste Grant - Corrugated Cardboard Recycling

FY 07 Used Oil Grant

FY 07 Waste Tire/Automobile Dismantler Tire Grant

SPECIAL CONSIDERATIONS OR CONCERNS:

- **FY 07 Solid Waste Grant - Corrugated Cardboard Recycling**
Request for compactors dedicated to corrugated cardboard recycling; and
Public education to promote cardboard recycling
Grant - \$50,000
NO Local Match Required

- **FY 07 Used Oil Grant**
Development and implementation of education and recycling programs
Grant - \$2,500
NO Local Match Required

- **FY 07 Waste Tire/Automobile Dismantler Tire Grant**
Maintenance of the collection and recycling of waste tires at convenience centers
Grant - \$2,500
NO Local Match Required

STAFF RECOMMENDATION:

Approval for Solid Waste to apply for SCDHEC grants listed above.

FINANCIAL IMPACT:

NONE of the Solid Waste grants require a local match.

ATTACHMENTS:

Submitted or Prepared By:

Veranda Holcomb Lopez

Approved for Submittal to Council:

Ron H. Rabun
Ron H. Rabun, County Administrator

Reviewed By/ Initials:

DA County Attorney

HL Finance

_____ Other

C: Clerk to Council

**AGENDA ITEM SUMMARY
OCONEE COUNTY, SC**

**COUNCIL MEETING DATE: 3/21/06
COUNCIL MEETING TIME: 7:00**

ITEM TITLE OR DESCRIPTION:

Authorization for Rural Fire to apply for U.S. Homeland Security 2006 Assistance to Firefighters grants program.

BACKGROUND OR HISTORY:

The purpose of the Assistance to Firefighters Grant program is to award grants to fire departments and nonaffiliated emergency medical service organizations in order to enhance their abilities with respect to fire and fire-related hazards. This program seeks to support organizations that lack the tools and resources necessary to more effectively protect the health and safety of the public.

SPECIAL CONSIDERATIONS OR CONCERNS:

The Homeland Security grant will provide funds to purchase a variety of equipment.

<u>Fire Department</u>	<u>Estimated Total Grant Amount</u>	<u>Match Requirement (5% of Total Award)</u>
Salem	\$187,600	\$9,380 (5% match)
Cleveland	\$159,200	\$7,960 (5% match)
Fair Play	\$110,000	\$5,500 (5% match)
Pickett Post-Camp Oak	\$33,450	\$1,673 (5% match)
Corinth-Shiloh	\$125,000	\$6,250 (5% match)

TOTAL GRANTS **\$615,250**

TOTAL LOCAL MATCH **\$30,763**

STAFF RECOMMENDATION:

Staff recommendation is for Council to carefully consider this grant, as there are no matching funds currently available in the 05-06 Rural Fire budget. However, Rural Fire has requested \$33,600 in grant matching funds for the 06-07 budget year. Council authorize these grant applications and direct staff to include the local grant match of \$30,763 in the FY 2006-2007 Rural Fire Budget.

FINANCIAL IMPACT:

- Salem Fire Department Local Grant Match = \$9,380
- Cleveland Fire Department Local Grant Match = \$7,960
- Fair Play Fire Department Local Grant Match = \$5,500
- Pickett Post-Camp Oak Fire Department Local Grant Match = \$1,673
- Corinth-Shiloh Fire Department Local Grant Match = \$6,250

TOTAL LOCAL MATCH COMMITMENT = \$30,763

ATTACHMENTS:

Equipment List

Submitted or Prepared By:

Kuanda Akporolue-Lewis

Approved for Submittal to Council:

Ron H. Rabun
Ron H. Rabun, County Administrator

Reviewed By/ Initials:

_____ County Attorney

RH Finance

_____ Other

C: Clerk to Council

Homeland Security Assistance to Firefighters

Equipment List

<ul style="list-style-type: none">▪ Salem Fire Department	\$187,600
Personal Protective Equipment	
SCBA	
Hose	
Fitting/Adapters	
Misc. Tools, Saws, etc. per NFPA/ISO	
<ul style="list-style-type: none">▪ Cleveland Fire Department	\$159,200
Personal Protective Equipment	
SCBA	
Washer/Dryer	
Misc. Tools, Saws, etc. per NFPA/ISO	
<ul style="list-style-type: none">▪ Fair Play Fire Department	\$110,000
Personal Protective Equipment	
SCBA	
Washer Extractor	
<ul style="list-style-type: none">▪ Pickett Post-Camp Oak Fire Department	\$33,450
Washer/Dryer	
SCBA Compressor & Storage System	
<ul style="list-style-type: none">▪ Corinth-Shiloh Fire Department	\$125,000
Brush Truck	

AGENDA ITEM SUMMARY
OCONEE COUNTY, SC

COUNCIL MEETING DATE: 3/21/06
COUNCIL MEETING TIME: 7:00 pm

ITEM TITLE OR DESCRIPTION:

Authorization to make application for The Assistance to Firefighters Grant Program administered by the Federal Department of Homeland Security.

BACKGROUND OR HISTORY:

The purpose of the Assistance to Firefighters Grant (AFG) program is to award one-year grants directly to fire departments and nonaffiliated emergency medical service organizations in order to enhance their abilities with respect to fire and fire-related needs and hazards. This program supports organizations that lack the tools and resources to more effectively protect the health and safety of the public and their own emergency response personnel.

SPECIAL CONSIDERATIONS OR CONCERNS:

This grant provides funds to purchase a variety of equipment (see attached list with justifications). The need for this equipment is critical, because either the current equipment is old and worn out, out of date, or they simply do not have it in their possession.

<u>Rescue Squad</u>	<u>Estimated Grant Amount</u>	<u>Match Requirement</u>
County Dive/Special Rescue	\$50,000	\$10,000 (20% match)
Oakway Rescue Squad	\$65,000	\$3,250 (5% match)

STAFF RECOMMENDATION:

Staff recommendation is for Council to carefully consider this grant, as there are no matching funds allocated in the current Emergency Management budget. If this grant is approved at the federal level, the match will have to be budgeted in the FY 2006-07 Emergency Management budget. If the Council approves the submission of this grant request, staff should be directed to include the \$13,250 match in the FY 2006-07 EMA budget.

FINANCIAL IMPACT:

- County Dive/Special Rescue Local Grant Match = \$10,000
- Oakway Rescue Squad Local Grant Match = \$3,250


ATTACHMENTS:

List of equipment and uses.

Submitted or Prepared By:

Veronda Holchome-Lewis

Approved for Submittal to Council:


Ron H. Rabun, County Administrator

Reviewed By/ Initials:

N/A County Attorney RFJ Finance N/A Other

C: Clerk to Council

Equipment requested for grant purchase

DIVE / SPECIAL RESCUE

- 30 Project 25 (P-25) digital radios for all search, rescue, and dive missions (They currently do not have enough radios for all members.)
- Four Scott Air Packs for confined space rescue (The current entry air packs are old and need replacing.)
- Two entry / escape air packs for confined space rescue (They need additional entry and escape packs for safety and backup.)
- 10 Extrication Jump Suits for personal protection for technical rescue, confined space rescue, and heavy duty rescue (needed for personal protection and are required by OSHA. They currently have none.)
- Eight Level B Suits for confined space rescue and rescues in a hazardous materials environment (The Level B suits are needed for rescue operations in hazardous materials environments. They currently have no Level B suits.)
- Two dry suits for dive team cold water operations (The dry suits are needed for backup divers in cold water environment.)
- One RCD Fortuna raft for swift water rescue (The RCD Fortuna Raft is needed for swift water rescue. For use in addition to the current raft when rescuing multiple persons.)
- Engine upgrade for the County Pontoon Work / Dive Boat
- Rescue pump for the Dive Team (The rescue pump is needed to pump water out of sinking boats and to stop the release of hazardous materials; can also be used as a fire pump.)

OAKWAY RESCUE SQUAD

The Oakway Rescue plans to purchase two Zoll Auto Pulse non-invasive cardiac support pumps at a cost of \$15,000 each. These are needed for much improved cardiac resuscitation. These are critical because they achieve 100% of normal blood flow during a normal cardiac arrest. The Zoll Auto Pulse pumps are much more effective than human CPR which only provides 30-40% of normal blood flow. They also free up responders for other duties during CPR.

AGENDA ITEM SUMMARY
OCONEE COUNTY, SC

COUNCIL MEETING DATE: 3/21/06
COUNCIL MEETING TIME: 7:00 p.m.

ITEM TITLE OR DESCRIPTION:

Hazard Mitigation Grant Pre-Applications

- Pre-wiring for 7 Red Cross shelters for back-up generators - \$150,000
- Obtaining weather alert radios for at risk population - \$10,000
- Replacing worn out culverts for county roads - \$60,000

BACKGROUND OR HISTORY:

Due to the December 2005 ice storm, all SC counties are eligible to apply for a hazard mitigation grant to help reduce the impact of future disasters or emergencies. There is approximately \$800,000-\$1,000,000 available statewide for this grant.

SPECIAL CONSIDERATIONS OR CONCERNS:

None. The pre-application process does not obligate Oconee County.

STAFF RECOMMENDATION FOR COUNCIL ACTION:

It is recommended that the Oconee County Emergency Management Agency be allowed to submit pre-applications for the above-mentioned projects.

FINANCIAL IMPACT:

FEMA will fund 75% of the project. The state will fund 12 1/2% and local government must fund 12 1/2%. The 12 1/2% local government share can be an in-kind match.

ATTACHMENTS:

Submitted or Prepared By:


Department Head/Elected Official

Approved for Submittal to Council:


Ron H. Rahn, County Administrator

Reviewed By/ Initials:

 County Attorney

 Finance

 Other Grants

C: Clerk to Council

ADD TO AGENDA ITEM #10 (9)
“HAZARD MITIGATION GRANT REQUEST”

From: Mike Ellis
Sent: Tuesday, March 21, 2006 10:57 AM
To: Henry Gordon
Cc: Mack Kelly
Subject: State flood monies

Henry

I have three projects that I would like to include on the pre-application form:

1. Lusk Rd. WA-9:
Cost = \$192,000
Location = Lusk Rd. WA-9, closest to Playground Rd.
Need = Present system is causing flooding
2. Barton Creek Rd. PU-44:
Cost = \$27620.02
Location = Barton Creek Rd. PU-44 SW of new culvert
Need = Present system is causing flooding and roadway is being damaged
3. Levi Lane, WA-265
Cost = \$12,827.60
Location = Levi Lane WA-265, closest to Hwy 11
Need = Present system is causing flooding, pipe is rusted thru, road is a high traffic connector

I hope these are what we need to get some money. Please let me know if there is anything else I can do to help.

Michael